

1 A.B. Nelson

2 your performance was exceptional.

3 A Yes, it is.

4 Q How do you justify your prior
5 testimony that your performance was
6 exceptional when you're saying your
7 performance was deeply affected?

8 MS. LILBURN: Objection.

9 Q By those comments?

10 A Exceptional when I'm not being
11 bullied, harassed or going through denigrating
12 stuff, exceptional. Unexceptional when I'm
13 constantly, you know, things are happening.
14 When things are not -- when these things are
15 not happening, okay, when I'm being left
16 alone, and I'm not doing projects and putting
17 stuff together that they never had in place
18 and I'm doing this for them and I'm focusing
19 on what I am doing, sure. I can do four to
20 five cars a week and I have done it and their
21 paperwork will justify that.

22 Q When you say your performance is
23 exceptional, why didn't you state that in your
24 papers, that it was exceptional except when
25 the points that you just said now? Why didn't

1 A.B. Nelson

2 you qualify that?

3 MS. LILBURN: Objection.

4 A Because it only asked about my
5 performance. It did not ask about branching
6 off into other reasons why it might not be or
7 be. It just asked about that.

8 Q It did not ask anything. I ask
9 you to look at Exhibit B. Take a look at the
10 second and third line and I'm going to quote.

11 A Exceptional.

12 Q My performance has always,
13 emphasis always, been exceptional, but now you
14 testified you know what, my performance isn't
15 always exceptional. It is pretty poor when
16 I'm hearing racial comments and all that. It
17 makes me -- and you had a lot of testimony and
18 I don't want to quote you.

19 MS. LILBURN: Objection.

20 Q What's the deal? Why are you
21 always exceptional, but today you say you're
22 not always exceptional? Which one was it?

23 A Okay.

24 Q Line 2.

25 A I see the line.

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2 Q Always exceptional.

3 A Always exceptional at anything I
4 do. Okay.

5 Q But you just testified that it
6 was not always exceptional.

7 A Here's the thing. If you see
8 down here in this line here --

9 Q Which line are you referring to?

10 A The third line from the bottom.

11 Q I see that. How does that
12 explain the contradiction?

13 A It explains it. All right. It
14 might be a contradiction or maybe you formed
15 your question that way. I don't know. Here's
16 the thing. It explains that projects and
17 different items taking me away from, you know,
18 when I explain exceptional, it's, when I
19 describe exceptional, it's the way that the
20 purchase -- when a customer purchases a
21 vehicle, I provide them with an exceptional
22 buying experience at all times. I want it to
23 be the best experience of their life because
24 more than likely if they are not a homeowner,
25 it is the highest price thing that they are

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2 going to purchase in their life, which is a
3 car, and I want it to be exceptional.

4 Q I understand. Would you today,
5 if you had the chance to redo this complaint,
6 would you alter or modify the statement my
7 performance has always been exceptional?
8 Would you change that a little bit, probably?

9 A No. I wouldn't change it because
10 it's based on calm water, but when the waters
11 are rough and you're doing horrible things to
12 people, it's hard for a person to not be
13 distracted with these particular charges that
14 you see here.

15 Q Why don't we leave that alone
16 then and let somebody else interpret what you
17 mean.

18 You are over forty, correct? I
19 have to know.

20 A I have premature gray, right?

21 Q Are you aware of any employees of
22 Victory who are forty and over there?

23 A Yes.

24 Q About how many are forty and over
25 who have worked there from 2016 to 2018?

1 A.B. Nelson

2 A It's probably been five or six,
3 maybe even more.

4 Q In the same complaint, the EEOC
5 complaint, you state with respect to Chris
6 Orsaris, he would degrade and shame me in
7 front of customers.

8 A Yes.

9 Q The shaming and degrading you, is
10 your testimony essentially what you testified
11 to earlier or is there anything additional
12 that you want to add to that?

13 MS. LILBURN: Objection.

14 A He's gotten into screaming
15 matches, you know, just different things at
16 different times, yes.

17 Q The witnesses, I'm asking you to
18 look at Defendants' Exhibit E or F, your
19 responses to the interrogatories.

20 MS. LILBURN: Exhibit E.

21 Q Take a look at the second and
22 third page of the plaintiff's responses to
23 interrogatories.

24 A I have that.

25 Q You list approximately eighteen,

1 A.B. Nelson

2 nineteen people to the claim that Chris
3 Orsaris harassed me which caused a hostile
4 work environment. Are there any other
5 witnesses other than the individuals that you
6 have identified?

7 A Yes.

8 Q Who would they be?

9 A I would have to refer to the --
10 the same way I am going to -- I would have to
11 refer to some of the scheduling to get those
12 names for you. I don't have that with me.

13 Q But you are under obligation to
14 answer these things in discovery. Now we are
15 in a deposition and you are now saying I may
16 have more people. Why didn't you respond
17 completely when you were asked to?

18 MS. LILBURN: Objection.

19 A I responded to those that I knew
20 were still working there at the time. There's
21 going to be others because people come and go
22 in this business, and in this particular
23 showroom, it's not a revolving door, but it's
24 a windmill.

25 Q What would you need to complete

1 A.B. Nelson

2 your list of witnesses that would support your
3 claim that Mr. Orsaris harassed you and caused
4 a hostile work environment?

5 A I would have to talk to them.

6 Q Who are these people?

7 A They're other employees that are
8 on my schedule. We have a schedule.

9 Q Do you have a copy of that
10 schedule?

11 A I don't have it with me this
12 second.

13 Q Do you have it at home?

14 A Yes, I do.

15 Q Why didn't you refer to it before
16 you completed your discovery and before you
17 came in here today?

18 A Because I did not know you were
19 going to ask me about additional people other
20 than the people that I have on here.

21 Q When you were asked to give --

22 A You asked if there were any
23 others besides this list. I said yes, there's
24 a possibility that there are others besides
25 this list because that's what you did ask.

1 A.B. Nelson

2 Q When you did the list, why didn't
3 you refer to the schedule at that time and
4 give it to us all at one time?

5 A I just finished explaining to you
6 that I tried to put the names of the people
7 that were working there that I knew that we
8 can get in touch with.

9 Q But you're saying there are other
10 witnesses. Forget who you could get in touch
11 with. You're putting witnesses that you
12 believe are to the hostile work environment.
13 Why didn't you include everybody? Why did you
14 hold back on people that were not employees?

15 MS. LILBURN: Objection.

16 Q Why would you hold back?

17 A Maybe I did not have that paper
18 at that time. I have a lot of paperwork. I
19 have files in my house. I have files from
20 other businesses and different things that I
21 have, whatever, so I might have misplaced some
22 of those things, so I did not have all of
23 those available, names. I put the most
24 current names that I can come up with that I
25 thought -- I'm saying there possibly could be

1 A.B. Nelson

2 others.

3 Q Can we agree that as of Wednesday
4 you will supply any other names and after
5 Wednesday there will be no further witnesses
6 that you know of?

7 MS. LILBURN: Objection.

8 MR. HANS: What's the objection?

9 MS. LILBURN: I think he should
10 be able to reserve his right if
11 something comes up.

12 MR. HANS: If something on a good
13 faith basis comes up, absolutely. In
14 any case you know that.

15 MS. LILBURN: That is why I
16 objected.

17 Q As of right now, can we agree
18 that whatever names that you have that are
19 available to you now, you will check every
20 record you have at your home and identify
21 those people by Wednesday; yes or no?

22 A Yes, sir.

23 Q Mr. Nelson, I hope you
24 understand, and you can check with your
25 lawyer, but if you find the name after

1 A.B. Nelson

2 Wednesday and you say I did not even realize
3 this, you have a continuing obligation to
4 immediately disclose that name and the contact
5 information. Do you understand that?

6 A Yes, sir.

7 MS. LILBURN: Would this be a
8 good time to break for lunch.

9 MR. HANS: I would like a strict
10 half hour if we could, so I can get my
11 seven hours in. I have a bunch more.

12 MS. LILBURN: Sure.

13 (Whereupon, at 1:00 p.m., a
14 luncheon recess was taken.)

15 (Whereupon, at 1:30 p.m., the
16 examination resumed.)

17 CONTINUED EXAMINATION BY MR. HANS:

18 Q Mr. Nelson, you had said earlier
19 to your testimony that you were instructed by
20 Mr. Orsaris that nobody was supposed to
21 approach Diane in any way, correct?

22 A Yes.

23 Q It was hello, good-bye, good
24 morning, good evening and that was the extent
25 of it, correct?

1 A.B. Nelson

2 A Greetings, how are you doing,
3 yes.

4 Q Before we get into any further
5 questions, do you know why Mr. Orsaris gave
6 those instructions?

7 A I don't know what was in Mr.
8 Orsaris's mind.

9 Q Did anybody express to you why
10 those instructions were given?

11 A Maybe because she has certain
12 things to do and she does not need to be
13 disturbed with what's going on on the floor.
14 I don't know.

15 Q Not maybe. I move to strike as
16 unresponsive.

17 Did you learn from somebody
18 else's words why that was? Did somebody say
19 to you she does not want you to talk to her
20 because of this or that?

21 A I don't recall.

22 Q On Saturdays, Mr. Argyropoulos
23 used to show up occasionally, correct?

24 A Yes.

25 Q With some consistency?

1 A.B. Nelson

2 A Yes.

3 Q Even during the week
4 occasionally?

5 A Yes.

6 Q Do you know the purpose of his
7 visits?

8 A I don't know. I don't want to
9 assume, but if you have a business, I guess,
10 you're coming to --

11 Q Don't guess.

12 A I don't know. I can tell you
13 Saturday, but I cannot tell you during the
14 week. On Saturday he's pretty much there to
15 see that everything is going smoothly with the
16 service department and vehicles. That's his
17 thing. He loves the cars and he's over there
18 doing that.

19 Q In fact, you had some cordial
20 conversations with Mr. Argyropoulos about
21 race cars; isn't that correct?

22 MS. LILBURN: Objection.

23 A Only one conversation based on
24 somebody's Mercedes that we sold out of this
25 particular store I was in. Somebody's s550

1 A.B. Nelson

2 was there and I think there was another car
3 there. It was a Corvette or something and I
4 happened to ask him if that was Mr. Pappas's
5 car, and then he was, you know, you know
6 Pappas and I said yes. I've been involved in
7 his sport for many years and we talked maybe
8 for five minutes and maybe two other
9 conversations like hello and good-bye and how
10 are you today and that's it. I never really
11 spoke to Mr. Argyropoulous.

12 Q Did you know that he was one of
13 the owners of Victory?

14 A Sure.

15 Q By the time 2017 rolled around,
16 you had been subjected to hearing all those
17 racially-motivated statements by both Mr.
18 Orsaris and Mr. Lettas.

19 A Yes.

20 Q The question is, why didn't you
21 walk up to Mr. Argyropoulous and say Phil, you
22 got to talk to these guys. This is what's
23 going on and start to explain that Mr. Orsaris
24 and Mr. Lettas as just saying stuff and it's
25 illegal and inappropriate and whatever else

1 A.B. Nelson

2 you want to say? Why didn't you do that?

3 A He seemed too busy to be
4 concerned and probably, you know, the limited
5 amount of times I had seen him, I might have
6 been involved or busy doing something at that
7 time, so it just never came up.

8 Q Mr. Nelson, we are not talking
9 about getting approval for finance or whether
10 the Yankees won the game or something like
11 that or who had a bad cold. We're talking
12 about something that is highly offensive and
13 illegal. We're talking about comments that
14 were made that the ultimate result is you
15 bringing this lawsuit. We're talking about
16 stuff that you say you were humiliated by and
17 stuff and I think you used the words pain and
18 suffering. Those are the words in your
19 complaint. This is a big deal to you,
20 correct?

21 MS. LILBURN: Objection.

22 A It is big when something like
23 that happens to any person. I don't care who
24 it is, but any person to experience that.

25 Q And when it was going on, you say

1 A.B. Nelson

2 he was busy, but why didn't you say Phil, it's
3 Tony. I need to talk to you. I have to tell
4 you something. Give me five minutes. I have
5 to tell you something. For months blah, blah,
6 blah and you go into it. Why didn't you take
7 one opportunity to talk to him about this?

8 MS. LILBURN: Objection.

9 MR. HANS: What's the objection?

10 MS. LILBURN: Argumentative.

11 Q Why didn't you?

12 A Because maybe I felt that he's
13 standoffish or, so to speak, maybe I'm the one
14 being standoffish, you know. I think I had
15 maybe three conversations, spoken to him maybe
16 three times other than hello and how are you
17 if I see him pass me in the street or on the
18 floor or next door in a restaurant, but other
19 than that, I recall the conversation when they
20 were redoing the office. That conversation, I
21 think I went upstairs to get a license plate
22 package for a vehicle or whatever because I'm
23 upstairs and downstairs. He was doing some
24 painting and I was trying to compliment him
25 because it's hard to paint the right way and I

1 A.B. Nelson

2 was shocked that he knew how to do that being
3 a lawyer and he has plenty of money and
4 everything, and I saw him doing some work and
5 I said that's really nice, that's a nice
6 color. He seemed to take offense of that.

7 Q But if you could talk to him --

8 A Hold on. Let me finish my
9 sentence. He seemed to take offense to that.
10 He looked at me like he's looking at me now
11 and he said to me go sell some fucking cars
12 like he was pissed off that I said something
13 to him. Guess what, I ain't got nothing to
14 say to you and that's how it goes. Forget
15 about it.

16 Q Based on that comment when he was
17 painting, you felt you could not talk to him?

18 A Why should I approach him.

19 Q When was that, give me a month
20 and year?

21 A I don't remember when they redid
22 the office. It was probably sometime in 2017.
23 I can't be sure about that. You can ask your
24 client when he did his office to narrow down
25 the date.

1 A.B. Nelson

2 Q Let us say it was 2017. My
3 question is, in 2015, the end of 2015, 2016,
4 you had not had that conversation with the
5 profanity that you used. Why didn't you walk
6 up to Phil at any time in the twelve months in
7 2016 and say Phil, I know we talked a little
8 bit earlier and I've been told not to talk to
9 your wife, but what's going on here is
10 terrible and then just go into it? Why didn't
11 you go do that one time?

12 MS. LILBURN: Objection.

13 Q You can answer.

14 A I did not do it because if
15 someone who has 30 percent of a business and I
16 can't approach, then why would I approach the
17 chief.

18 Q You are making your decisions --

19 A I am making --

20 Q Let me finish. It sounds to me
21 like you're making your decisions on whether
22 to inform your employer of illegal activity
23 based on their percentage of ownership?

24 MS. LILBURN: Objection.

25 Q Is that what you're saying?

1 A.B. Nelson

2 A If I am instructed not to speak
3 to the visible owner who I see constantly, I
4 took it for granted that maybe I should not
5 talk to him either since these are the
6 instructions. Anything that we have a problem
7 with -- go see Chris or his son Stavros or --
8 those were the instructions. If I can't see
9 Mrs. Argyropoulous, and we will refer to her
10 as Diane, if I cannot see Diane other than to
11 feed to cats and how you're doing and so forth
12 and so on, then why would I, logically
13 speaking, why would I go to Phil. Why would I
14 go past her to Phil. Why would I circumvent
15 her to tell Phil about it.

16 Q You're asking the question why.

17 A I am just saying why would I. I
18 just gave you all of the reasons why I
19 wouldn't and that's due to instructions from
20 my superior not to, so why would I.

21 Q The instructions were to Diane
22 and not to Phil. You were told not to go to
23 Diane. According to your testimony, and I
24 don't know if it's wrong, but you weren't told
25 that you could not go to Phil, were you?

1 A.B. Nelson

2 A But Phil wasn't in the picture
3 either.

4 Q It does not matter. You knew he
5 was an owner.

6 MS. LILBURN: Objection.

7 Q Didn't you know that he was an
8 owner?

9 MS. LILBURN: Objection.

10 Q Whether he owned 10 percent or
11 100 percent, did you know he was an owner?

12 A Sure I know.

13 Q Then why didn't you go to him?

14 A Because I did not go, like I told
15 you before the reason why and what my
16 reasoning was why I didn't go to Phil. One, I
17 rarely see Phil, and maybe when I did see him
18 I'm too busy with a customer to start
19 complaining about stuff that's going on in the
20 store, and I'm too busy putting an inventory
21 list together so they know where the cars are
22 where they did not know where they were. I'm
23 doing things, so more than likely because I
24 was doing something and the other stuff that I
25 just told you about other than the Pappas

1 A.B. Nelson

2 conversation, all right, maybe I just felt
3 like you know what -- they said don't go to
4 Diane and maybe you shouldn't go to the other
5 person that has a percentage of the store
6 either.

7 Q You have been prefacing all your
8 answers with maybe, maybe this and maybe that.

9 MS. LILBURN: Objection.

10 Q You are testifying today in 2019.
11 I am asking what was your thinking at the
12 time, not maybe, because maybe is a very iffy
13 type of word. What I'm saying is you were
14 busy with customers and this and that and yet
15 you are enduring, according to your complaint,
16 you are enduring behavior or words and it's
17 causing you, and I quote, pain and suffering
18 and humiliation, but you were dealing with
19 customers. You were dealing with this and
20 that on the job. That takes a priority for
21 you going up to Phil who you could talk to,
22 who you were not instructed not to, and say
23 this is what's going on. I don't understand.
24 I really don't understand why you did not do
25 that. Can you tell me why?

1 A.B. Nelson

2 MS. LILBURN: Objection.

3 A I did not do it for one, maybe I
4 thought my job would be on the line and
5 maybe -- I don't know what they would be
6 thinking, so like I said, all of us including
7 me were given instructions not to speak and I
8 assumed that it meant do not speak to any of
9 the principals involved with the store.

10 Q But that is not what you
11 testified to.

12 MS. LILBURN: Objection.

13 Q You testified to just Diane.

14 A To what?

15 Q Is it true that you testified
16 just to Diane earlier before lunch. You said
17 you were told about Diane and you did not say
18 Phil?

19 A I did not say Phil. I said
20 principals just now.

21 Q You did not say principals before
22 lunch either. We can go back and read the
23 transcript. You did not use the word
24 principals.

25 A Go ahead. Go back and read it.

1 A.B. Nelson

2 Q You said Diane.

3 A Okay. As I explained to you my
4 concept was that if I am not supposed to talk
5 to Diane about stuff, then where do I get the
6 nerve or who am I to go talk to Phil about it.
7 That was my impression and that's the reason
8 why. You can ask me this 150 times and I'll
9 give you the same answer.

10 Q I only have one final question on
11 this point. Why wasn't what happened to you
12 important enough that you tell somebody of
13 authority, whether it was a lawyer, whether it
14 was the government, whether it was Phil,
15 whether it was Phil's second cousin, anybody?
16 Why wasn't this important enough for you to
17 talk to somebody?

18 MS. LILBURN: Objection.

19 A You said the government.

20 Q The government you did in
21 February or September 2017. I'm talking about
22 when you were enduring what you testified all
23 day today in 2016 and part of 2017 until you
24 filed this. Why was this not important enough
25 for you to talk to somebody of authority?

1 A.B. Nelson

2 MS. LILBURN: Objection.

3 Q Whether it was Phil or anybody
4 else?

5 A Maybe at the time, you know, I
6 didn't have --

7 Q I did not ask for maybe. I'm
8 saying why at that time did you think --

9 A I did not have anything in place
10 or lined up in case --

11 Q Let me interrupt you.

12 MS. LILBURN: He's trying to
13 answer.

14 Q Let me interrupt you. I don't
15 want an answer based on maybe. I want you to
16 tell me --

17 A I did not say maybe in that
18 sentence. I said at that time that I did not
19 have anything lined up to move on in case this
20 spiraled out of control.

21 Q You thought that going to
22 somebody, whether it's Phil or somebody else,
23 did you believe by doing that things would
24 spiral out of control?

25 A It could have.

1 A.B. Nelson

2 Q I'm asking you whether you
3 believe that?

4 A Yes, I do.

5 Q What is the basis of you
6 believing that it would spiral out of control?
7 Tell me what the reason is?

8 A Because he could say he's lying,
9 this, that and the other and fire him. I am
10 in New York, so fire at will. I don't like
11 the color of your tie and you're fired. I
12 have to take caution in the moves that I make
13 because I don't have -- I live from check to
14 check. I don't have money put away. Any
15 money I put away is gone, so I have to be very
16 frugal and very -- I have to be very careful
17 and selective about the things that I do. Do
18 you understand?

19 Q I am asking you, did you have any
20 evidence that what you just testified to could
21 have resulted in things you just testified to,
22 did you have any evidence at that time that
23 any of that was possible?

24 A I'm not sure. Like I said, I
25 lost a couple of phones and one of them was

1 A.B. Nelson

2 fixed, so there was -- as far as Alex and the
3 video, you know, Mexicans over the wall, you
4 know.

5 MS. LILBURN: Can you clarify
6 what you mean by evidence?

7 Q I would like to instruct the
8 witness that I am not asking you to give me a
9 speech on other aspects of this case that you
10 testified to. What I'm saying to you is, you
11 said you were afraid of your job, something to
12 that effect, if you went to Phil. I asked you
13 what evidence do you have, what evidence did
14 you have at that time that going to Phil or
15 anybody else that would have happened? What
16 evidence do you have, not what could have or
17 what may be or it may rain or it may snow.
18 I'm not asking you that. I am not asking you
19 to repeat all the stuff you said that
20 happened. I am saying why didn't you in the
21 year and a half before you filed this
22 complaint go to somebody of authority, whether
23 it was in the place or out of the place?

24 A What does out of the place mean?

25 Q Out of Victory or inside Victory.

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2 Out of Victory means it could have been a
3 government agency. It could have been a
4 lawyer. It could have been somebody that you
5 could report this to, an administrative
6 agency, or Phil when he was there. This is
7 before the painting episode. What evidence do
8 you have or what made you feel that you could
9 not go to them? What did you know to say I
10 cannot go to them because of X?

11 MS. LILBURN: Objection.

12 Q Did you have any or was it just a
13 hunch?

14 A What do you mean? What's a
15 hunch?

16 MS. LILBURN: Objection.

17 Q Is it speculation on your part or
18 did you have any evidence that something bad
19 would happen?

20 A Happen or are you saying my
21 complaint is speculation? What are you
22 saying?

23 Q I am saying you said you did not
24 want to go to Phil or anybody else because you
25 were afraid that you would lose your job.

1 A.B. Nelson

2 A I said there was a possibility
3 that that could happen.

4 Q That's right. I am saying to
5 you, I'm asking you, what evidence did you
6 have, did you have any evidence that any of
7 that could have happened if you went to Phil
8 or anybody else?

9 A I don't know. I am not a mind
10 reader.

11 MS. LILBURN: Objection.

12 Q So would the answer to that be
13 no, you do not have any evidence?

14 A I have evidence. I have other
15 people who knew about it. What do you mean by
16 evidence? Do you mean do I have any witness
17 statements?

18 Q Did you have any evidence?
19 Evidence is when you have either papers or you
20 know this; for example, somebody went with a
21 complaint about discrimination and they were
22 fired? You were afraid that something bad
23 would happen to you if you complained about
24 this; yes or no?

25 MS. LILBURN: Objection.

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2 A Yes, I did.

3 Q And that was a fear that you had.

4 I am asking you a simple question that I'm
5 going to keep asking until you answer, and if
6 you want to tell me I did not have any
7 evidence and I was just speculating, that is
8 fine, too.

9 A What do you mean by speculation?

10 Q Speculation is when you think
11 maybe it could happen, but I am not sure. I
12 am just deciding to think this way and I think
13 it could happen or did you have any evidence
14 that going to Phil or anybody else would have
15 resulted in a job loss?

16 MS. LILBURN: Objection.

17 Q It's a simple question, sir.

18 A Yes.

19 Q That evidence is what?

20 A The evidence is that people, the
21 parties that I'm supposed to tell this to,
22 okay, or let's say human resources, whatever
23 you want to call it. All right. In this
24 situation here, human resources was the enemy.
25 Don't you understand? Human resources was the

1 A.B. Nelson

2 person, persons who was doing this.

3 Q Mr. Nelson, I never said the word
4 human resources.

5 A I said it.

6 Q I know you did. I never said it.
7 Why don't you respond to my question. I'm the
8 one asking the questions. My question is, why
9 didn't you go to Phil or a government agency
10 or a lawyer and say this is going on, and you
11 said I did not want to lose my job, and then I
12 asked you and I've been asking you this
13 question for ten minutes here and I would like
14 you to give me an answer, and if you don't
15 know that's fine.

16 A Good. I don't know. Let's move
17 on.

18 Q Let's get the I don't know to my
19 question.

20 Did you have any evidence or any
21 proof that something bad would have happened
22 to you if you brought this to the attention of
23 Mr. Argyropoulous; yes or no? If you didn't,
24 that's fine. If you did, I want to know what
25 it was.

1 A.B. Nelson

2 MS. LILBURN: Objection.

3 A I don't know.

4 Q You did not have any evidence at
5 the time, is that what you're saying?

6 MS. LILBURN: Objection.

7 A That I would get fired if I went
8 to Mr. Argyropoulous?

9 Q That's correct.

10 A I'm not a mind reader.

11 Q Did you have any evidence that
12 that would happen; yes or no?

13 MS. LILBURN: Objection.

14 A I can't answer that question.

15 Q Why not?

16 A Because how would I know?

17 Q I did not ask you how would you
18 know. I said did you have any evidence or
19 paper that something bad would happen to you
20 if you went to him. You essentially seem to
21 be saying no, which is fine. It could be yes
22 and if it is yes, I want to know what the
23 evidence is. If it's no, then it's no.

24 MS. LILBURN: He said no, so the
25 question has been answered. You're

1 A.B. Nelson

2 asking it again and you're telling him
3 he's not answering.

4 MR. HANS: He did not answer it.
5 I will let the record speak for itself.
6 You have now answered no. All right.
7 Let me move on.

8 A That's twice that I answered no.

9 Q And that's good.

10 A Let the record reflect that.

11 Q We can throw out one of them
12 then.

13 A Keep the first one.

14 Q Take a look at Exhibit B.

15 A Yes.

16 Q You said that the person that
17 referred to you as Uncle Ben and Bill Cosby
18 was Chris Orsaris; is that correct?

19 A Yes.

20 Q When was that?

21 A When did it start or do you want
22 to know the period of time?

23 Q Feel free to tell me.

24 A That started sometime in
25 probably -- during the summer of 2016 into

1 A.B. Nelson

2 2017. Then it stopped and then it started up
3 again.

4 Q When you say 2016 and 2017, are
5 you referring to numerous times that Mr.
6 Orsaris used those two references?

7 A Numerous times, yes, especially
8 Bill Cosby. He drove that one into the ground
9 like a spike.

10 Q You consider that highly
11 offensive, right?

12 A I consider it offensive. He's
13 making fun of me by calling me Bill Cosby, a
14 guy that's blind, can't see, and he is a
15 rapist and he drugs people and all kind of
16 stuff, not somebody that we thought was Dr.
17 Huxtable anymore, so when you're telling me --
18 and then the other thing is all black people
19 look alike, because I don't have one feature.
20 Nobody in my family looks like Bill Cosby, has
21 his features or anything, so when I ask you
22 numerous amounts of times -- then I have
23 salesmen like is he -- actually, when you
24 start disrespecting me, that opens up a
25 floodgate for other people to disrespect me,

1 A.B. Nelson

2 too, so now I have -- and one of the best
3 managers I ever worked with, and if I had a
4 car I would work for him right now, and he's
5 going to tell me and I said please, don't come
6 to me with that Bill Cosby stuff. You know my
7 name is Tony and I'm a little irritated with
8 Chris doing this constantly. He never called
9 me Bill Cosby again because he respected me.

10 Q Who is that?

11 A One of the managers, but this is
12 what happened. This is going on and going on
13 and on and on, so now other people, including
14 the porters and the salespeople, whatever, you
15 know, you're opening up a floodgate for me to
16 be made fun of because you're not respecting
17 me in front of people. You're saying things
18 in front of people and now they're trying to
19 pick up on it.

20 Q How many people, because in your
21 complaint you reference only Mr. Orsaris
22 referencing Bill Cosby and Uncle Ben. Maybe
23 I'm getting the wrong impression. Are you now
24 testifying that other people used that
25 reference to you?

1 A.B. Nelson

2 A One person and maybe he did not
3 understand where it was coming from and that
4 person made that reference to me I believe on
5 a Saturday. He made that reference and I said
6 please, don't call me Bill Cosby. I'm not
7 liking this at all.

8 Q Who is that person?

9 A Izzy, and that was the end of
10 that. There's no reason to put him in there
11 as doing something to me because he did not do
12 anything to me, and when he thought he was
13 doing something, he apologized for it and he
14 never said it again.

15 Q Is that Izzy Adarem (phonetic)?

16 A Yes.

17 Q So he referenced the Bill Cosby,
18 Uncle Ben comment and he subsequently
19 apologized?

20 A He had called me Bill Cosby and I
21 asked him not to do it and he said I'm sorry
22 and I won't do it again and he never did it
23 again.

24 Q When was that?

25 A That was when he was working

1 A.B. Nelson

2 there. I don't know exactly when. Like I
3 said, there's been like 38,000 managers.

4 Q What year was that?

5 A I don't know exactly when. I
6 think he was there in 2017.

7 Q Was there any witness to you
8 having that conversation with Mr. Adarem?

9 A I don't recall if there was a
10 witness or not. If anybody was sitting next
11 to me, I don't remember. We're talking two or
12 three years ago, 680 days ago.

13 Q Other than Mr. Adarem who made
14 that comment, is Mr. Orsaris the only other
15 person who referenced Bill Cosby and Uncle
16 Ben?

17 A That I can recall at this moment,
18 yes.

19 Q Do you know who the witnesses are
20 to when Mr. Orsaris said it?

21 A I just named one and that's Izzy.
22 I'm sure Mr. Wood has heard it. I'm sure that
23 his son, Stavros, has heard it. I don't
24 expect them to speak on my behalf.

25 Q I am not asking who will speak on

1 A.B. Nelson

2 your behalf. I am asking are there other
3 witnesses that you would know that heard that
4 language being used other than what you just
5 testified to?

6 A Yes.

7 Q Who else?

8 A Peter Badugas (phonetic).

9 Q Anybody else? You listed a bunch
10 of names on Page 2 into Page 3. Is it your
11 testimony that all of those people heard Chris
12 Orsaris refer to you as Uncle Ben and Bill
13 Cosby?

14 MS. LILBURN: Objection.

15 A It's not Uncle Ben, Bill Cosby.
16 It's Bill Cosby or Uncle Ben, whatever, but
17 mostly Bill Cosby.

18 Q Let me rephrase the question.
19 You listed in subsection --

20 A Juan Palanco.

21 Q Can I finish my question?

22 A I'm sorry. I thought you were
23 finished.

24 Q 1B indicates Chris Orsaris
25 harassed me and caused me a hostile work

1 A.B. Nelson

2 environment, and you listed approximately two
3 dozen names. Are these individuals able to
4 support your allegation that Mr. Orsaris used
5 or called you Uncle Ben and Bill Cosby?

6 MS. LILBURN: Objection.

7 MR. HANS: What's the objection?

8 MS. LILBURN: You can ask him
9 what his belief is.

10 Q Do you believe that they --

11 A I believe some of them might.

12 Q Might?

13 A Yes.

14 Q Do you have any actual knowledge
15 of the people that you listed there having
16 heard those instances?

17 A Yes.

18 Q Which ones?

19 A Izzy, Peter Badugas and possibly
20 Yessica. Let me see. Possibly Chino. It
21 says Germinal Latingua (phonetic).

22 Q When you say possibly, do you
23 have any actual knowledge that any of these
24 people that you can say today I am going to be
25 able to call him as a witness because they

1 A.B. Nelson

2 heard him say this?

3 A I'm not a mind reader, but they
4 did hear it.

5 Q Did you see them in the
6 vicinity --

7 A In the vicinity when the words
8 were spoken.

9 Q Every one of the people that are
10 listed here, correct?

11 MS. LILBURN: Objection.

12 A Yes, and other things besides
13 Bill Cosby, other harassment. As you see with
14 the names here, it says harassing and hostile
15 work environment, so there are different
16 segments of the hostile work environment.

17 Q Generally speaking, is it your
18 contention that the witnesses listed here
19 would support Mr. Orsaris's hostile work
20 environment and the Uncle Ben comments?

21 A Yes.

22 Q Do you know if Mr. Orsaris talked
23 about any other black employees that way or
24 was it just to you?

25 A Just to me.

1 A.B. Nelson

2 Q Why do you think he did not talk
3 like that to other black employees, do you
4 know?

5 A I don't know what's in his head,
6 but he had a campaign to annoy me. That's for
7 sure.

8 Q Do you know if he annoyed any
9 other black employees?

10 A He has annoyed people. He's had
11 fights, arguments, police coming there, so
12 obviously there's some kind of annoyance, but
13 what it is, who it is, how it happened and why
14 it happened, that I don't know.

15 Q Do you know if he treated black
16 employees any differently than he treated you?

17 A There were problems with other
18 employees. I'm not sure what the problems
19 were.

20 Q If you're not sure, that's fine.

21 A But there were other problems.

22 Q There were problems with other
23 black employees?

24 A Well, the store is basically 78
25 percent people of color, black and brown

1 A.B. Nelson

2 people.

3 Q I'm asking you, do you have any
4 knowledge, not maybe and not assuming --

5 A That's the truth. It's 78
6 percent of the store.

7 MS. LILBURN: Let him finish the
8 question.

9 Q Do you have any knowledge, direct
10 knowledge and not assumptions, that Mr.
11 Orsaris treated black employees differently
12 than white employees?

13 MS. LILBURN: Objection.

14 MR. HANS: What's the objection?

15 MS. LILBURN: Vague.

16 Q Using any racially inappropriate
17 comments like you testified to towards black
18 people and did not insult people, a simple yes
19 or no?

20 A What's the question?

21 Q Do you have any knowledge or any
22 evidence and not your assumptions, that Mr.
23 Orsaris insulted other black employees because
24 of their race?

25 A Because of their race, I am not

1 A.B. Nelson

2 sure, because if everybody is the same race --
3 let me see.

4 Q If you're not sure, that's fine.

5 A I am not sure, but I'm sure about
6 me. I'm sure about our relationship.

7 Q Did you tell him to stop talking
8 to you like that?

9 A Numerous times.

10 Q What did he say?

11 A He just smirked. He did not pay
12 attention. He turned his back and walked
13 away, whatever the case may be. He didn't
14 care.

15 Q When that happened, would your
16 testimony be the same as before that you did
17 not want to tell anybody because you were
18 afraid you would lose your job?

19 MS. LILBURN: Objection.

20 Q Tell me why you did not tell
21 anybody?

22 A Why didn't I tell anybody else,
23 because I already explained this to you. I
24 was instructed not to talk to anybody above
25 Chris.

1 A.B. Nelson

2 Q You said Diane.

3 A I did not say that. Diane would
4 be above Chris, obviously.

5 Q Earlier today you said when it
6 comes to Diane, you were told not to speak to
7 her.

8 A We were all told that, so that
9 meant the hierarchy of the organization.

10 Q In your EEOC complaint, Exhibit
11 B, you say, and I quote, I told Mr. Orsaris to
12 stop and he refused, which you just testified.
13 His cousin referred to minorities who were
14 urban-looking customers as in the niggerative.
15 The phrase urban-looking customers, is that
16 your language or is that somebody from the
17 EEOC told you that you could use those words?

18 MS. LILBURN: Objection.

19 Q Where did those words come from?

20 A Those words, urban meaning from
21 the hood or whatever the case may be.

22 Q I'm not asking you to explain to
23 me what it means.

24 A Those are my words.

25 Q Those are your words?

1 A.B. Nelson

2 A Yes.

3 Q Did you have an EEOC person who
4 did this filing?

5 A I can't remember.

6 Q Let me ask you the question
7 again. Were you assisted when you filled this
8 out, did any EEOC representative assist you?

9 A They looked at it. I'm trying to
10 remember if she typed this. They had to do
11 this, yes. This is generated from them. I
12 did not -- they typed this up, yes.

13 Q Did they type it up from the
14 words that you wrote down or did they type it
15 up --

16 A Either.

17 Q Let me finish my question. How
18 did they type it up? Was it a collaborative
19 effort or was it just them or was it just you?

20 A It was me explaining.

21 Q You explained to them and they
22 typed it up?

23 A Which document are you talking
24 about?

25 Q I'm talking about the charge of

1 A.B. Nelson

2 discrimination, Exhibit B.

3 A I was looking at B on this list
4 and you're talking about B, the EEOC letter B.
5 Okay. I was looking at the wrong one.

6 Q In the middle of the paper, it
7 says the particulars are.

8 A Yes.

9 Q I don't know, but it appears, and
10 I'm not sure, but it looks like, and I could
11 be wrong, but did the EEOC representative
12 assist you in forming the words in putting
13 together your charge?

14 A No. I am very well -- I can form
15 my own words. What they did was they typed
16 it. The investigator or the person that was
17 working with it, they're the ones that, you
18 know -- I dictated this to them.

19 Q Did they type up exactly what you
20 wrote or what you dictated, word for word?

21 A Pretty much I would say.

22 Q Where is it not pretty much?

23 A What do you mean by that?

24 Q Which words on this did you get
25 assistance on, if any?

1 A.B. Nelson

2 MS. LILBURN: Objection.

3 A I don't know. I don't understand
4 that question.

5 Q Is there any sentence in that
6 paragraph --

7 A I can't remember. We're talking
8 650 days ago. I dictated everything. If they
9 changed a word or put a comma or something
10 somewhere, I don't know. What are you trying
11 to get at? I don't know how to answer the
12 question.

13 Q I don't answer questions.

14 MS. LILBURN: He's telling you
15 that he does not understand the
16 question.

17 MR. HANS: That's fine. He can
18 tell me that he doesn't understand the
19 question, but he does not have to ask me
20 a question.

21 MS. LILBURN: He did and then he
22 said that he did not understand the
23 question.

24 MR. HANS: That's fine. I will
25 rephrase the question, but I don't want

1 A.B. Nelson

2 him to ask me questions.

3 Q When they were typing it up, did
4 they, the EEOC, did you write down or dictate
5 every word in this paragraph, or did they form
6 some of the sentences themselves?

7 A They might have formed a word or
8 two. I don't recall. It's over two years
9 ago.

10 Q Then that is the answer. Next
11 question. You say urban-looking customers and
12 it says here I told Orsaris to stop and he
13 refused. His cousin referred to minorities or
14 urban-looking customers as in the niggerative.
15 Did you tell the EEOC that word or how did
16 that word come up?

17 MS. LILBURN: Objection. Which
18 word?

19 Q Niggerative.

20 A It came up because it came out of
21 Mr. Lettas's mouth constantly and I feel if
22 you're going to -- it came out of Mr. Lettas's
23 mouth.

24 Q Can you tell me what that word
25 means to you?

1 A.B. Nelson

2 A What it means is that when he
3 would see some people, certain people come in
4 the door, drive in or walk in the store or
5 whatever, what he was doing, what he was doing
6 was prejudging them. When I say prejudice, we
7 get a lot of customers that are hard to put
8 into a car. We also get customers that you
9 can put in a car in an hour and a half. What
10 he's doing is this. When a person is in the
11 negative, let's say you come into the store
12 and you're in bankruptcy or whatever and your
13 credit is shot, it's what is called you are in
14 the negative. That's the comment. He
15 customized the word into a racial, racially-
16 discriminating remark saying niggerative. He
17 would look at certain people coming into the
18 store and go like this and grin like a cat and
19 say that's a niggerative.

20 Q And that was Mr. Lettas?

21 A Mr. Lettas, yes. He would grin
22 about other stuff, but Mr. Orsaris never used
23 the word nigger, but he used Uncle Ben and
24 other stuff and right after he would say it,
25 he would just start grinning.

1 A.B. Nelson

2 Q Would you agree with me that it
3 sounds like a very highly offensive word?

4 A It is a highly offensive word,
5 yes, when you are profiling customers based on
6 their -- based on what they look like. I
7 don't hear him saying that when the occasional
8 white people walk in from Pelham Manor or
9 somewhere and they're looking dressed down and
10 looking a certain particular way.

11 Q Did Alex Lettas drive you home
12 many times?

13 A He's driven me home a couple of
14 times.

15 Q Did he buy you lunch?

16 A That's a two-way street.

17 Q What does that mean? You bought
18 him lunch and he would buy you lunch?

19 A I bought him a drink or lunch or
20 whatever.

21 Q Did you eat lunch many times
22 together?

23 A Are you asking if we were
24 friendly? We ate lunch a few times together,
25 yes.

1 A.B. Nelson

2 Q I ask the questions, not you.

3 A We ate lunch. How many times, I
4 don't know.

5 Q Did you ever borrow money from
6 Mr. Lettas?

7 A Did I ever borrow money from Mr.
8 Lettas?

9 Q Yes.

10 A I think one day I was short and I
11 might have borrowed some money from him. I
12 might have.

13 Q And he gave it to you?

14 A He probably did.

15 Q I did not ask you probably. Do
16 you recall if he did; yes or no?

17 A He has and other people have,
18 too.

19 Q I'm talking about Mr. Lettas.

20 A Yes. Yes. Okay.

21 Q The niggerative statement,
22 according to Exhibit E or D, the responses to
23 the interrogatories --

24 A Responses.

25 Q Who were the witnesses to the

1 A.B. Nelson

2 statement about the niggerative; do you
3 remember? I'm looking at your statement.

4 A Almost everybody has been a
5 witness to that term there saying people are
6 in the niggerative or saying those things.

7 Q All the witnesses that you have
8 identified in this document?

9 A Sure.

10 Q Were you very offended by the use
11 of that word; yes or no?

12 A Am I very offended?

13 Q Were you at the time very
14 offended; yes or no?

15 A Sure.

16 Q Again, would I be correct in
17 saying that you did not tell anybody about it?

18 MS. LILBURN: Objection.

19 Q Did you tell anybody about it?

20 A Anybody --

21 Q Other than the people --

22 A Other employees?

23 Q Anybody in a supervisory
24 capacity?

25 A Did I tell anybody who was a

1 A.B. Nelson

2 supervisor?

3 Q Diane, Phil, anybody?

4 A We're not telling Diane anything.
5 We already have that established and we're not
6 telling Phil anything.

7 Q But we really have not
8 established anything. Your testimony is your
9 testimony. Whatever it is, it is. We have
10 not established anything.

11 A We established that I was not
12 allowed to say anything to Diane.

13 Q You testified to that, but that
14 has not been established.

15 A It is established, trust me.

16 Q That is your testimony and I
17 object to your statement and I move to strike.

18 When you constantly heard that
19 word, is there anybody that you went to,
20 whether a supervisor or not, saying that this
21 has to stop or something to that effect?

22 MS. LILBURN: Objection.

23 A If I am working a customer, do
24 you think I have time to go and complain, no.

25 Q I am going to remind you again I

1 A.B. Nelson

2 don't answer questions.

3 A That was not a question, but a
4 statement.

5 Q I'm saying to you did you go to
6 anybody as this comment, niggerative, was used
7 on a consistent basis; yes or no?

8 A No.

9 Q And why not?

10 A Because I was probably involved
11 with a customer at that time and I'm there to
12 make money, so even though that this is
13 horrible, that is not my objective. My
14 objective is to sell a car.

15 Q Was it your belief that you would
16 endure any racial statement, remarks, because
17 you need to sell cars; is that your testimony?

18 A I have bills to pay and my job is
19 to sell cars. Sometimes I just have to push
20 the distractions aside. That's my answer to
21 that.

22 Q Did those comments affect your
23 performance?

24 A I could still sell a car even
25 though he calls somebody something, but sure,

1 A.B. Nelson

2 I was disgusted about it, yes.

3 Q I did not ask you if you were
4 disgusted. I ask did it affect your ability
5 to sell cars when you heard those comments?

6 A When he said that about a person,
7 is that what you're saying? When he said that
8 about a customer, would it affect my ability
9 to get him in a car?

10 Q Generally to sell cars when he
11 was using those kinds of racially-motivated
12 statements?

13 A It could -- yes.

14 Q Sir, it is not could.

15 A I just said yes.

16 Q Would that mean your performance
17 during that particular week or day or whatever
18 was not so good?

19 MS. LILBURN: Objection.

20 Q Correct?

21 Was your performance less than
22 satisfactory because it affected you?

23 A Yes.

24 Q Were you caused to seek any
25 psychological or medical assistance because of

1 A.B. Nelson

2 any of those comments?

3 A What does that mean?

4 Q Did you see a psychiatrist, a
5 psychologist, an internist or anybody because
6 of those comments? Did they hurt you so much
7 that you had to go to the doctor?

8 A I never had the time. I could
9 not go to a doctor.

10 Q Is the answer to that no?

11 A The answer is no.

12 Q Did you take any medication as a
13 result of any of these comments?

14 A I did not see a doctor about it,
15 so I would not be able to take medication for
16 it.

17 Q Did you take any over-the-counter
18 medicine?

19 A Over-the-counter medicine?

20 Q Yes, stuff that you could walk
21 into CVS or Rite-Aid and buy?

22 A No, because they're closed when I
23 get off.

24 Q I want to draw your attention to
25 September 18th, around September 18th of 2017.

1 A.B. Nelson

2 On that day, were you struck physically by a
3 co-worker?

4 A Yes, by a manager.

5 Q What was that person's name?

6 A His name is Manny and I can't
7 recall his last name at the moment.

8 Q Was he the finance manager?

9 A The F&I guy.

10 Q Where did that assault take
11 place?

12 A It took place in 41 -- it took
13 place in the showroom on the southbound side
14 of Boston Road and Provost Avenue.

15 Q What was the reason why you came
16 into contact with him that day?

17 A I don't understand your question
18 because I do come into contact with people
19 that I work with every day. That's my kind of
20 work.

21 Q Before the assault, can you tell
22 us what happened?

23 MS. LILBURN: Objection.

24 MR. HANS: What's the objection?

25 MS. LILBURN: The day of?

1 A.B. Nelson

2 Q The day of the assault with the
3 finance manager, what time of day did that
4 happen?

5 A It happened at 7:00, somewhere
6 around there.

7 Q In the evening or in the morning?

8 A We don't open until 9:00.

9 Q What put you in contact with each
10 other around that time before the assault?

11 A He was the one doing the deal.
12 He was the one that I was collecting
13 information, cosigner information, so forth
14 and so on, to structure a deal.

15 Q What did you say to each other
16 prior to the assault?

17 A Shane, Stavros and myself were
18 standing there in the office. He asked me if
19 I had collected the cosigner information and I
20 said yes. I said the kid's mother, the
21 customer's mother was going to cosign and send
22 the information to my telephone. My phone was
23 on my desk just like this charging. He said
24 can you send this to me and I said yes. As
25 soon as I walk over to my desk, I will send it

1 A.B. Nelson

2 right away to you. I sent it to him. I sent
3 it to him and then forty-five minutes later I
4 went to follow up to see where things were
5 going with the deal, and he asked if I sent it
6 to him. I told him I did.

7 Q How did the assault occur?

8 A What happened was when I went,
9 like I said forty-five minutes later, when I
10 walked across the floor into the office, I
11 said I sent it to you. He had this big
12 attitude. He was crazed or something. I was
13 shocked because I never saw Manny act like
14 this, even though I might have heard things,
15 but he said to me how would I know that you
16 sent it and I said I texted you. It went to
17 your phone. If your phone doesn't beep, then
18 go check it because it's on your phone. And
19 he said to me what are you being smart with me
20 and he got up from his desk and jumped up in
21 my face and he told me what are you -- I said
22 I am not being anything with you. I said you
23 asked me a very simple question. I went to my
24 desk. I came back forty-five minutes later
25 and you asked me how would I know that you

1 A.B. Nelson

2 sent it. I said check your phone. I said
3 phones beep when you send stuff and maybe you
4 had it on silent. He put his fingers in my
5 face like this (indicating), like an eighth of
6 an inch from my face, and he told me what do
7 you think you're some wiseguy talking to me
8 like this or something or other or whatever.
9 I said I'm not talking like anything. I said
10 how would you like my finger in your face like
11 that and he swung at me and he's probably
12 about twenty-five years younger than me, but
13 he swung at me and the only reaction I had was
14 because I'm, you know -- I'm going to protect
15 myself from bodily harm and I don't care who
16 it is. I'm going to protect myself and I went
17 to swing at him and his son interceded.

18 Q When you say his son, who are you
19 talking about?

20 A Stavros.

21 Q Do you understand we are at a
22 deposition, that this young lady is taking
23 everything down, so she needs to know the
24 names.

25 A You're right. Sorry. Stavros,

1 A.B. Nelson

2 which is another manager there, Stavros
3 Orsaris said he came around with the right,
4 because he struck me with a right, so when I
5 came around with the right, I wasn't able to
6 land it because Stavros jumped across the
7 desk. The desk in these offices are kind of
8 small. These offices are like cubicles. He
9 went to get out of the way in a punch and I
10 probably went across the top of Stavros's head
11 or neck with the swing, but he deflected it,
12 so really nobody got hit. He did not hit me
13 and I did not hit him. There was no going to
14 Emergency Rooms or anything and that's what
15 happened. He swung at me first. He started
16 with me for no reason. He just got mad. He
17 got mad like he was on steroids or he smoked a
18 bag of dust or something. I had never seen
19 nothing like that before. It was very, very
20 strange to say the least.

21 Q How close was Stavros to you and
22 Manny, because you say he was able to
23 intercede. He was able to intercede in the
24 fight; is that correct?

25 A I meant he was in close

1 A.B. Nelson

2 proximity, which meant he could have been
3 standing at the door and these offices are,
4 like I said, very small, so, you know, they're
5 like cubicles, not cubicles, but these are
6 small offices and the desks are not very big
7 or wide. It's just a small desk, you know.
8 It's just to hold a computer and to sign
9 people out with cars, but I was probably not
10 paying attention to who was to my left because
11 he was to my left, so if you're standing at
12 the desk like this, the door is now to your
13 left, but if you turn around and go out the
14 door -- the edge of the desk that Stavros came
15 across, which would be the edge where the
16 stenographer is right here, you know, he kind
17 of threw himself across the desk.

18 Q Mr. Nelson, let's reduce this to
19 something that is easily understandable, if we
20 can. I do not want this to be my testimony,
21 so please feel free to correct me.

22 From the beginning of the
23 conversation between you and Manny, was
24 Stavros within 2 or 3 feet of that
25 conversation?

1 A.B. Nelson

2 A Do you mean forty-five minutes to
3 the hour when he asked me to send him the
4 woman's ID or do you mean afterwards when I
5 went to follow up?

6 Q When you went to follow up, that
7 is when the altercation happened, correct?

8 A Yes.

9 Q When you went to follow up, was
10 Stavros within two or three feet of you guys?

11 A I don't know. Stavros was not in
12 the office at that point.

13 Q He could have been nearby?

14 A He could have walked out of the
15 other office because there is another office
16 right behind it in an alcove, so he could have
17 walked in the door. He could have come from
18 anywhere and came into the office.

19 Q When you went to follow up, how
20 much time elapsed from the conversation before
21 the punch was thrown? How much time? I'm
22 asking for a time.

23 A Probably like sixty seconds.

24 Q After he threw the punch, you
25 were about to defend yourself somehow and you

1 A.B. Nelson

2 threw a punch back, correct?

3 A Exactly.

4 Q Is that when Stavros interceded?

5 A Yes.

6 Q What did Stavros say after he
7 interceded?

8 MS. LILBURN: Objection.

9 MR. HANS: What is your
10 objection?

11 MS. LILBURN: You are assuming
12 that he said something.

13 Q Did he say anything?

14 A He asked me -- he said Tony, just
15 go home. That's what he said.

16 Q Stavros said that?

17 A Yes. He said just go home.

18 Q Before we get into that further,
19 was this the first time you ever had an
20 altercation with this guy?

21 A With Manny?

22 Q The manager, Manny?

23 A Yes.

24 Q The first time?

25 A Yes.

1 A.B. Nelson

2 Q How long had you been working
3 with him?

4 A A good while. I would get along
5 with Manny.

6 Q So no previous issues?

7 A No. That's why I was shocked.

8 Q Do you know if he had any
9 physical altercation with anyone else at
10 Victory?

11 A Yes.

12 Q And did he?

13 A Yes.

14 Q Who?

15 A When he was working in our other
16 store just north about ten miles up, he had
17 altercations with -- what's his name -- one
18 kid works there with his uncle and then he
19 started doing sales. I'm trying to remember
20 his name, but there were altercations.

21 Q Can you, as you sit here today,
22 identify by name any person he had an
23 altercation with?

24 A Yes, and I can do that by
25 Wednesday.

1 A.B. Nelson

2 MS. LILBURN: As you sit here
3 today?

4 A As I'm sitting here right this
5 second?

6 Q Can you?

7 A I can look in my phone to see if
8 I can find his name.

9 Q You would be able to identify
10 people that he had a fight with?

11 A Yes.

12 Q Were you ever present during any
13 of those previous fights?

14 A I heard about it from the party
15 that he had the altercation with and I also
16 heard about it from the witness how he would
17 pick on those people all the time.

18 Q Do you remember the name of the
19 witness?

20 A Mia Giller.

21 Q Mia Giller is the witness that
22 knows that Manny had previous altercations
23 with other salespeople at Victory?

24 A Yes, and not only that, there was
25 an altercation when Zoungrane, Erica, when she

1 A.B. Nelson

2 bought her car, there was an altercation about
3 that. She actually bought a Mitsubishi and
4 then she quit and there was an altercation
5 about who was going to get that deal when
6 Erica bought the car, and that's what I heard
7 had blown up into a little bit of an agitated
8 situation also. It had to do with the same
9 two people plus Manny.

10 Q But you are going to be able to
11 identify the person he assaulted by Wednesday,
12 but right now, as you sit here today, you are
13 sure that Mia Giller is the witness that knows
14 that he being Manny has had previous
15 altercations with employees at Victory?

16 A And you do too if you listen to
17 the recorded stuff that I sent you.

18 MR. HANS: I move to strike the
19 parts that are unresponsive.

20 MS. LILBURN: Just answer his
21 question.

22 Q So it's just Mia Giller that
23 knows about this, correct?

24 A Mia and the other parties
25 involved.

1 A.B. Nelson

2 Q And those parties you are going
3 to give me the names of by Wednesday?

4 A Yes.

5 MR. HANS: Off the record.

6 (A discussion was held off the
7 record.)

8 Q Did Manny ever exhibit any
9 conduct towards you that was threatening prior
10 to this occasion?

11 A No.

12 Q Did you have any reason to
13 believe that he was prone to physical violence
14 prior to that assault?

15 A He seemed like a very mellow
16 person to me. I did not know about other
17 stuff. He seemed, you know.

18 Q We will get back to the assault
19 in a minute. I want to ask you, in the EEOC
20 charge which we were talking about, you said,
21 and you have it in front of you. He would see
22 me making money selling cars and find some new
23 stupid project to take me away from the floor.

24 A That's right. It's right here.

25 Q What stupid project are you

1 A.B. Nelson

2 referring to? Explain that statement.

3 A Why I used the word stupid and
4 the project, right?

5 Q Correct.

6 A All right. The store had four
7 locations, inventory lots where cars were
8 kept. One of the things was that you have a
9 store and you should have an inventory listing
10 to know exactly where each VIN number and
11 where each vehicle is, and so, because of the
12 fact that I was told I get to the deals late,
13 this, that and the other, that took me off the
14 floor, but other people were doing deals 10,
15 11, 12:00 at night also. I found it so
16 embarrassing that when I was trying to sell a
17 Mitsubishi, that we didn't know where the car
18 was at, and then it would take three or four
19 porters out of the detail center where they're
20 supposed to be prepping the car. The car is
21 not really prepped -- they are now because
22 they have another certified Mitsubishi person
23 there, but I am talking about as far as the
24 detailing and washing goes, and, you know,
25 getting the car presentable for the customer

1 A.B. Nelson

2 to drive off with his new car. They would
3 send everybody scurrying all over Bay Plaza.
4 We did have somebody in New Rochelle, in
5 Mamaroneck, in Larchmont, but if you did not,
6 they would send somebody there. Now you have
7 nobody except maybe one person to get the cars
8 out, so now the production is slowed down in
9 getting the vehicles out. The other thing is,
10 the other stupid project was the package with
11 the keys and the manuals, they were piled up
12 in garbage cans. One of the podiums, they
13 would pile them there. It looked like the
14 floor of Waste Management. They were just
15 piled in there. I took it upon myself because
16 I thought it was stupid because I never worked
17 in a store that did not know where their stuff
18 was at, and I never worked in a store, so I
19 got involved with these projects to put a
20 system together so we can narrow down what we
21 were doing and help get the deal done with.

22 Q Mr. Nelson --

23 A And it was stupid because I
24 should not have to come to your store that's
25 been there for fourteen years. You should

1 A.B. Nelson

2 have this in place already.

3 Q Mr. Nelson, you said that he
4 would see you making money. Do you think he
5 was resentful of you making money?

6 A I think because he just didn't
7 like me. He always wants to --

8 Q You're talking about Chris
9 Orsaris, right?

10 A Yes.

11 Q Slow down. Was he resentful of
12 you making money or was it that he did not
13 like you?

14 A It could be a combination of
15 both.

16 Q I'm not asking for could be. I
17 move to strike. That is not an answer. I
18 don't want you to speculate. I want you to
19 tell me do you believe that he was resentful
20 of you making money, or that he just did not
21 like you, which one?

22 A It's both.

23 Q He did not like you making money
24 and he did not like you?

25 A Yes, sir.

1 A.B. Nelson

2 Q It was Mr. Orsaris that made sure
3 that you were moved so that you would not be
4 making a good commission or just paying me
5 flats on vehicles. What are you referring to?
6 Do you know why you said that?

7 A This is sort of an incomplete
8 sentence. Removed -- what happened was -- do
9 you know what happened with the removed part?

10 Q You said he would make sure that
11 I was removed so I would not be making good
12 commission and would just pay me flats.

13 A That sentence is a little garbled
14 up. I don't think that the person that was
15 putting it together for me, I don't think --
16 she might have misconstrued what I was saying,
17 but I can clarify that.

18 Q Let's stop right here. When you
19 say she misconstrued, when you were doing
20 this, were you telling this person what
21 happened and then she was forming it on the
22 computer?

23 A Yes. They typed it up.

24 Q I know they typed it up.

25 A So she is forming it then.

1 A.B. Nelson

2 Q She formed the words? This is
3 garbled up.

4 A Removed from the floor because I
5 was removed from the floor.

6 Q You just testified, and I'm not
7 saying you didn't and it does not make sense,
8 but you were talking to her about what was
9 going on and she was typing it up; is that
10 correct?

11 A Yes, sir.

12 Q So some of the words here she
13 would create, but you signed it and you agreed
14 to it, correct? You signed it on the bottom,
15 correct?

16 A I signed this, yes.

17 Q So she formed it here and you
18 signed it?

19 A Yes.

20 Q Did you tell her when she typed
21 it up that you were accused of terrorist
22 threats based on racial make-up? Did she
23 write that on her own or did you tell her
24 that? When I say she, I'm referring to the
25 EEOC person.

1 A.B. Nelson

2 A This one was done in June. The
3 reason is they --

4 Q That is not the question I asked.

5 A What's your question.

6 Q The question I asked you is a
7 simple question. It is not a trick question.
8 It could be the EEOC person just formed those
9 words or you specifically said --

10 A I said that.

11 Q You said I was accused of
12 terrorist threats based on racial make-up?

13 A Yes.

14 Q Who accused you of terrorist
15 threats? Give me the person's name?

16 A Everybody that is in the David
17 Simon letter. Whoever.

18 Q David Simon? You're talking
19 about the Richard Simon letter?

20 A Richard Simon. I'm sorry. I
21 forgot his first name.

22 Q I show you what was marked as
23 Exhibit J. Are you talking about that letter?

24 A Yes, the Simon letter. I just
25 had his first name messed up.

1 A.B. Nelson

2 Q That letter identifies the people
3 making the terrorist threats?

4 A This letter is generated by Diane
5 and Philip Argyropoulous as it says in the
6 first sentence right here.

7 Q When you say generated, what do
8 you mean by generated?

9 A They're the ones that generated
10 this information. They're the ones -- they
11 went to this lawyer and tried to spin
12 everything that happened.

13 Q How do you know that?

14 A I know it because you just said
15 to me I was accused of terrorist threats based
16 on racial make-up.

17 Q Let me follow up with what you
18 just said. You said that that letter was
19 generated by Diane and Phil, correct?

20 A Yes.

21 Q I asked you how do you know that
22 and you said because of why?

23 A Because during the EEOC, their
24 response to the EEOC, and he writes as counsel
25 for the Argyropoulouses, so the owners of

1 A.B. Nelson

2 Mitsubishi, old letters, and when you turn to
3 the next page and you go to Paragraph 4 --

4 Q Let me interrupt you, sir. Your
5 statement that Diane and Phil generated that
6 letter, let us talk about the word generate.
7 Did they write it and Mr. Simon typed it or
8 does generate mean that you believe they
9 supplied him with the information and then he
10 wrote it? What do you mean by generate?

11 A He's supplied them with the
12 information. It's not like he's going to know
13 about it, but somebody comes and makes a
14 complaint.

15 Q Do you have any personal
16 knowledge to know that Mr. Simon did not
17 compose the letter?

18 A I don't know who wrote the
19 letter. It has his name on it.

20 Q We know that you do not know who
21 wrote the letter and you do not know who
22 composed it. The only thing you do know, that
23 this is a letter on Mr. Simon's stationery
24 signed by Mr. Simon; is that right?

25 A Exactly.

1 A.B. Nelson

2 Q That's what you know?

3 A Yes.

4 Q I asked you about where the
5 statement that you were accused of making a
6 terrorist threat and you said that is
7 supported by the Richard Simon letter.

8 A Okay.

9 Q How is the fact that you were
10 accused of terrorist threats supported by that
11 letter?

12 A In Paragraph 4 of that letter.

13 Q Paragraph 4?

14 A Yes. It says Mr. Nelson screamed
15 that he had a gun.

16 Q Paragraph 4 says I inform you --
17 are you talking about that paragraph?

18 A The second sentence underneath
19 the word Chris Orsaris. It says which Mr.
20 Nelson screamed he had a gun, so now you're
21 accusing me of bringing a gun to work because
22 that's what it says right there.

23 Q When Mr. Orsaris said he has a
24 gun, that to you is the basis of being accused
25 of terrorist threats based on racial make-up?

1 A.B. Nelson

2 This is what Mr. Simon wrote?

3 A Mr. Simon wrote he had a gun and
4 threatened Mr. Orsaris without any cause or
5 justification.

6 Q That is the basis of that
7 statement?

8 A It would have to be. Why would
9 you even think about doing that.

10 Q Just answer the question.

11 A Yes.

12 Q Let's move on.

13 I would like you to look at the
14 complaint, Exhibit C. We are going to get
15 into this gun in a minute.

16 Did you sue Victory Auto because
17 you were discharged for racial discrimination
18 or because for some other reason?

19 A I sued them for all the reasons
20 that you see in the complaint.

21 Q You're talking about the reasons
22 set forth in Paragraph Roman numeral IV,
23 Subsection B; is that correct? And A, Roman
24 numeral IV, A and B?

25 A Roman numeral IV-A and then

1 A.B. Nelson

2 there's five things that are there, and then

3 B.

4 Q B says facts.

5 A No. No. Hold on. I'm on the

6 wrong page. What is your question?

7 Q Those are the reasons that you

8 sued my client, correct?

9 A Yes.

10 Q Let us get into the incident.

11 After you were punched by Manny and Stavros

12 Orsaris interfered, correct?

13 MS. LILBURN: Objection.

14 A Interfered?

15 Q Stavros was involved; yes or no?

16 A He intervened to try to stop the
17 fight.

18 Q What did you do then?

19 A You asked me, but I will tell you
20 again. He asked me to go home.

21 Q What did you do?

22 A I went over to the desk. I tell
23 the customer I have an emergency call in my
24 house and I need to get to my house right away
25 and I will have another salesman take care of

1 A.B. Nelson

2 you. I started putting my stuff in my
3 briefcase, and as I was putting my stuff in my
4 briefcase, I heard all this loud talk about
5 Manny going to do to me and all kinds of
6 threatening stuff.

7 Q Who did you hear that from?

8 A I heard it coming out of the
9 office.

10 Q Whose voice?

11 A Manny's voice. He's the one that
12 I'm having the fight with, not Stavros. I
13 hear all of this talk and he's telling Stavros
14 I'm going to do this and I'm going to do that,
15 you know. On my way out the door, I told him
16 you ain't going to do nothing. It's just talk
17 because if you do something, watch out.

18 Q When Stavros told you to go home,
19 did you believe that you were terminated?

20 A No. He never said anything about
21 me being terminated and I would not think that
22 I was being terminated.

23 Q When you left Victory, where did
24 you go?

25 A All right. When I left Victory,

1 A.B. Nelson

2 I walked across the street to the corner of
3 Provost Avenue. I crossed Boston Road from
4 the southbound side to the northbound side
5 like I do every night, unless I get a ride
6 home from Yessica or one of the other workers.
7 I went inside the gas station where I get the
8 bus.

9 Q Did you buy any beer at the gas
10 station?

11 A Yes, I did. I actually went in
12 there to buy a beer and my Lotto numbers. I
13 bought one beer. I was very thirsty. I was
14 burning up. I bought one beer while I was
15 waiting for my bus to come, which is where I
16 wait every night for 600 something nights,
17 except for the nights that I would get lucky
18 and get a lift home.

19 Q Did you have an alcohol before
20 you went to the Sunoco station?

21 A No. I do not drink on duty,
22 never.

23 Q Have you ever been intoxicated on
24 the job?

25 A Never.

1 A.B. Nelson

2 Q If any person said you were, they
3 would be lying; is that correct?

4 A They would be lying because I
5 have never been intoxicated on the job. One
6 time on my birthday after the store was
7 closed, one of the porters, you know, bought
8 me a small bottle.

9 Q So you are at the Sunoco station
10 and you have your beer.

11 A I did not have the beer. I
12 didn't have a chance to have it. I had about
13 two sips of the beer.

14 Q Then what happened?

15 A I'm looking out the door. I'm
16 standing there because I'm looking to see if
17 my bus is coming and Chris Orsaris pulls up.
18 He stops at pump 11. He was using the s550
19 that day for a while during that period of
20 time in black. He pulls up. He bursts out of
21 the car and when he burst out of the car, his
22 exact words to me were go home and get your
23 gun, you're fired. Another perplexing
24 situation.

25 Q Did you believe that you were

1 A.B. Nelson

2 fired at that time?

3 A I just told you he said I was
4 fired. I thought, you know, that I would sit
5 down. We would go over the tape together. I
6 wasn't thinking about him coming to the gas
7 station.

8 Q That happened in September of
9 2017, correct?

10 A Yes.

11 Q But you continued to work for
12 Victory after that; is that correct?

13 A That is correct in a way and
14 halfway incorrect.

15 Q Did you go to work a day or two
16 later?

17 A No. I did not go to work a day
18 or two later.

19 Q When did you go to work --

20 A Probably a month later or so is
21 when I went to work.

22 Q You're saying a month later?

23 A Probably. It was a few weeks
24 later.

25 Q But you went back to work; yes or

1 A.B. Nelson

2 no?

3 A Did I go back to work, yes, I did
4 go back to work.

5 Q Who told you to go back to work?

6 A I believe that Alex Lettas had
7 called me. I don't recall it being Chris. I
8 recall it being Alex Lettas and this is
9 probably after I went to the EEOC and so forth
10 and so on. He called me and, like I said, I
11 need to pay bills. He -- I went back to work.

12 Q But you said you believed you
13 were fired. Did Alex Lettas say you are not
14 fired?

15 A No. I was fired in the middle of
16 the street in a Sunoco station.

17 Q I understand that. That is not
18 my question. My question is, you were fired
19 and you went back to work. Did Alex Lettas
20 tell you that you are not fired and you should
21 come back?

22 A I don't know what his exact words
23 were, but they wanted me to come back.

24 Q Why did you go back to work if
25 you believed you were fired?

1 A.B. Nelson

2 MS. LILBURN: Objection.

3 A Because I was asked to come back
4 to work.

5 Q By who?

6 A By Alex Lettas.

7 Q Did Alex Lettas have the
8 authority to hire you back or to tell you to
9 come back?

10 A Do I know?

11 Q Yes.

12 A Why would he then?

13 Q I ask the questions. You answer
14 the questions. I'm going to ask you again.

15 Do you believe Alex Lettas had the authority
16 from Victory to tell you that?

17 A Yes.

18 Q What is that based on?

19 A It's based on the fact that they
20 came and communicated to me about coming back
21 to work.

22 Q Do you recall earlier telling me
23 that Alex Lettas was not a manager and he was
24 a worker there; do you remember that?

25 MS. LILBURN: Objection.

1 A.B. Nelson

2 A I recall saying that and telling
3 you he wore fourteen different hats in that
4 store.

5 Q Do you believe or do you know if
6 he had the authority to hire and fire anyone
7 at Victory while you were employed there?

8 A He asked me to come back to work.
9 The store hired me back, so he was used to
10 call me up and ask me to come back to work.

11 Q Which was a month later?

12 A Probably sometime around then. I
13 don't know exactly.

14 Q Could it have been a shorter
15 time?

16 A No, not really, because I was
17 out -- I was out for a minute.

18 Q Chris Orsaris drives up to the
19 Sunoco station. He comes out of the car and
20 says go home, get your gun, you're fired.

21 A Uh-huh.

22 MS. LILBURN: Can you tell me
23 what you're reading from?

24 MR. HANS: I'm reading from the
25 complaint.

1 A.B. Nelson

2 Q Were you afraid when he said
3 that?

4 A Which complaint?

5 Q Your complaint in this case,
6 Subsection B.

7 A Do you mean the court -- I
8 thought you meant the EEOC complaint. I'm
9 sorry.

10 Q He drove up, jumped from his car
11 and verbally assaulted and screamed in front
12 of witnesses go home and get your gun, you're
13 fired.

14 A Right. What is your question?

15 Q Were you afraid? Were you scared
16 about what was said?

17 A What do you mean by scared?

18 Q Were you in fear at all after
19 that was said by Mr. Orsaris?

20 A I looked around to make sure
21 there were no police officers or anything.
22 You're hollering the word gun in a public
23 place and in New York City, which is not an
24 open carry state.

25 Q When Alex Lettas asked you to

1 A.B. Nelson

2 come back, were you afraid at all to come
3 back?

4 A Afraid?

5 Q Yes.

6 MS. LILBURN: Objection.

7 A I'm not afraid. I don't
8 understand.

9 Q Were you fearful?

10 A Fearful of what, my life?

11 Q Fearful of any --

12 A Retaliation or something?

13 Q Fearful of any altercation
14 between you and Manny and Chris Orsaris,
15 anybody?

16 A I'm not afraid of nothing like
17 that, no.

18 Q Why did you go back?

19 A I went back because, first of
20 all, to go someplace else, I would have to get
21 recertified in a new brand of vehicles,
22 because I did have -- I could have gone to any
23 Mitsubishi dealer that I wanted to go work at,
24 but the fact of the matter is without
25 transportation, I'm not going to be out late

1 A.B. Nelson

2 at night coming from Mitsubishi in Brooklyn or
3 Queens or Jersey or something, a far-ended
4 place where if I happen to work late, I'm
5 subjected to being out late at night. I don't
6 want to travel late at night with things going
7 on. It's not that I'm afraid, trust me. The
8 fact of the matter is it was easier to go back
9 to work maybe because of this subsequent
10 incident that happened, maybe they would calm
11 down and cool off and realize we're really
12 acting stupid and let's start acting like
13 grown-ups, and then the other thing is that I
14 am already certified in Mitsubishi products.
15 I said I will take a chance and come back and
16 it just seemed, you know, the same stuff was
17 reoccurring again.

18 Q Why would you come back if you
19 felt that Chris did not like you and they were
20 infringing or they were affecting you in some
21 way, your ability to make money?

22 MS. LILBURN: Objection. Asked
23 and answered.

24 Q Why would you go back? Is it
25 because you needed the job like you said?

1 A.B. Nelson

2 A I needed the job, yes. I needed
3 to make money.

4 Q If you're going back and you were
5 not able to talk to Phil, then why didn't you
6 go to Phil and say listen, this is what
7 happened and it's not right, whatever. Why
8 didn't you go to Phil and talk to him about
9 it?

10 MS. LILBURN: Objection.

11 A Look, I had my job back, so why
12 am I going to stir the pot more. I am not
13 into stirring pots.

14 Q Did you feel going to either
15 Diane or Phil would amount to stirring the
16 pot, as you just testified?

17 A I testified earlier that it would
18 be stirring the pot even before this. I said
19 to you I was instructed not to go to Diane and
20 being that I was instructed not to go to
21 Diane, why would I go higher up the chain if
22 I'm not allowed to speak to Diane about
23 things.

24 Q Did you think what happened was
25 so serious that maybe you should just do it

1 A.B. Nelson

2 anyway?

3 MS. LILBURN: Objection.

4 A I had my job back and I had bills
5 to pay. I don't want to be in the street
6 living on pizza box like the guy who was in
7 the Wolf of Wall Street. I seriously needed
8 to be making some money so I can pay for my --
9 pay my bills. That's the most important
10 thing. That's the objective, paying my bills.

11 Q You have here something about
12 wire fraud. I believe we met at the Federal
13 Court and that part of your complaint has been
14 withdrawn, correct?

15 A Withdrawn? Who withdrew it?

16 Q Do you want me to show you the
17 letter that I sent to you? Do you recall
18 meeting with me?

19 A Yes, but who withdrew it?

20 Q You did.

21 A I did not withdraw anything.
22 Obviously I need to send that information to
23 Washington, D.C. and I was holding up on that.
24 What did I withdraw?

25 MS. LILBURN: Off the record.

1 A.B. Nelson

2 (A discussion was held off the
3 record.)

4 MR. HANS: He withdrew a claim of
5 wire fraud. I sent him a confirming
6 letter.

7 THE WITNESS: Why would I
8 withdraw that?

9 Q Mr. Nelson --

10 A I think you misinterpreted what I
11 said, sir.

12 Q That is why lawyers do letters.
13 Looking at my letter of July 25th of this year
14 from my firm to you. Do you recall receiving
15 this letter?

16 A Yes. I have this letter.

17 Q Go to Number 17.

18 A There are no documents concerning
19 alleged wire fraud, that's not true. You have
20 those documents.

21 MR. HANS: I'm going to ask that
22 this be marked.

23 (Whereupon, at this time, the
24 reporter marked the above-mentioned
25 document as Defendants' Exhibit M for

1 A.B. Nelson

2 identification.)

3 Q You recall receiving this letter
4 and you had an opportunity to read 17, which
5 you now say is not true. Do you have any
6 documents that support wire fraud?

7 A Yes. You have them.

8 Q What documents are those? When I
9 met with you on these documents, if you look
10 at the letter, the July 25th letter, we went
11 through every one of the documents that you
12 gave and you will see the letter 1 through 16.
13 We went through every document in the document
14 demand. When we hit Number 17, you said the
15 responsive documents contain only identity
16 theft and related to document labeled 17M.
17 There are no documents concerning alleged wire
18 fraud. Are you now saying that there is,
19 because if there is, I would like to know. I
20 would like you to show me right now what
21 documents show wire fraud.

22 MS. LILBURN: Off the record.

23 (A discussion was held off the
24 record.)

25 MS. LILBURN: Mr. Nelson is

1 A.B. Nelson

2 referring to the document that he
3 produced that shows website printouts of
4 accessing the Mitsubishi Rewards Card
5 account. I think the first page has a
6 login.

7 Q I'm going to show you Exhibit L.
8 Can you show me on what was marked as Exhibit
9 L what is proof of wire fraud?

10 MR. HANS: Off the record.

11 (A discussion was held off the
12 record.)

13 Q First of all, tell me what wire
14 fraud means?

15 MS. LILBURN: Objection. I
16 object to the extent that you're asking
17 for a legal conclusion.

18 MR. HANS: Wire fraud was used by
19 him, not by me.

20 MS. LILBURN: I know.

21 Q When you used the word, not when
22 I used the word, because I am an attorney.
23 You used two words, wire fraud, that my client
24 committed wire fraud. I want to know what you
25 meant by using those words?

1 A.B. Nelson

2 A They developed a way --

3 Q Before we get into it, I want to
4 know what your interpretation is? What do you
5 understand wire fraud to mean?

6 A You want to ask me what wire
7 fraud means without me mentioning them?

8 Q Yes.

9 A Wire fraud is when you concoct a
10 way to steal money electronically through
11 computers or whatever and you do it over eight
12 state lines.

13 Q How did my client commit wire
14 fraud against you?

15 A They messed with the Social
16 Security numbers.

17 Q How did they mess with the Social
18 Security numbers?

19 A I don't know how you do it. I'm
20 not a thief.

21 Q Where is the proof that they did
22 that? Are you saying that Exhibit L shows
23 that they did that?

24 A Yes.

25 Q How does it do that? Show me how

1 A.B. Nelson

2 Exhibit L shows wire fraud?

3 A What it does is every time that
4 you try to go into either with the MDID into
5 the Mitsubishi intranet site, there are two
6 ways to check your balances with your money
7 card that you get, your money from Mitsubishi.
8 You can either use the services from the card,
9 the people that operate the card just like
10 your bank, like Bank of America or whatever,
11 or you can go onto the Mitsubishi site,
12 because every salesman that is a certified
13 Mitsubishi person can get onto the site. What
14 basically they would do is they would block us
15 out of the site. They would either block us
16 out of the site by changing the MDID numbers
17 so we could not even use the intranet site
18 that was set up by Mitsubishi for us, and so
19 being that they did that, I wanted to check my
20 balances, so when I go check my balances, now
21 all of a sudden my Social Security number
22 doesn't work. This has happened too many
23 times.

24 Q How does the document marked L,
25 Exhibit L, show wire fraud happened?

1 A.B. Nelson

2 A You don't see this line right
3 under the young lady on the telephone? Read
4 that line right there. It says it right here.
5 It does not match.

6 Q What is 2312?

7 A Those are my numbers.

8 Q That's your Social Security
9 number?

10 A The last four.

11 Q The provided last four Social
12 Security numbers does not match the card on
13 record. The statement where that states does
14 not match the card on record, that proves wire
15 fraud to you?

16 MS. LILBURN: Objection.

17 Q Does that prove it?

18 A Yes, it does, and not only that,
19 but the other thing I just explained --

20 Q Let's narrow it down. How does
21 the fact that these numbers do not match the
22 card on record show wire fraud?

23 A Because when I called Mitsubishi
24 or when I called J and R Card Services to
25 investigate what was going on, they said that

1 A.B. Nelson

2 they never changed the numbers, so now the
3 only other people that could have access to my
4 numbers, my numbers and everyone else's
5 numbers, those are the managers or the people
6 at our store. Those are the only people that
7 can have access to everybody's Social Security
8 number, including mine, and MDID numbers.

9 MS. LILBURN: Let us take a
10 break.

11 (Whereupon, at 3:18 p.m., a
12 recess was taken.)

13 (Whereupon, at 3:28 p.m., the
14 examination resumed.)

15 CONTINUED EXAMINATION BY MR. HANS:

16 Q Looking at what was marked as
17 Exhibit L, this has to do with the credit card
18 that you would have access to; is that
19 correct, sir?

20 A Exhibit L?

21 Q Yes. When you sell a car, you
22 get a commission and it goes directly to a
23 credit card that you can use?

24 A It goes to a debit card, yes.

25 Q I notice with respect to Exhibit

1 A.B. Nelson

2 L there is no Page 1, Page 2, Page 3, so when
3 you noted that you provided the last four
4 Social Security numbers does not match the
5 card on record, that is a singular page. The
6 next page does not show that it is all part of
7 Exhibit L. That is not a document that has
8 numbered pages; am I correct?

9 MS. LILBURN: Objection.

10 Q If you look at the pages, none of
11 them are numbered?

12 A Yes. The only number is so that
13 you knew what this document related to. I
14 printed this off of the computer.

15 Q I understand that. You said this
16 document supports wire fraud because you are
17 saying that Mitsubishi put in the four Social
18 Security numbers and they were not correct?

19 MS. LILBURN: Objection.

20 Q How do you support wire fraud
21 from this document?

22 A When I put my Social Security
23 number in to get my balance, I get a balance.
24 When I put it in, all of a sudden my number is
25 no good, so when I called them up --

1 A.B. Nelson

2 Q Stop there. When you turn the
3 page, it has check balance and if you turn to
4 the next page, it shows activity on the card.

5 A The next page shows another time
6 I tried to get in and I couldn't get in, and
7 then there's a page showing -- yes.

8 Q At what time was your number no
9 good?

10 A What do you mean what time?

11 Q Page 1, is there a date on that;
12 yes or no?

13 A When it was no good?

14 Q Yes. I'm talking about Page 1.
15 Is there a date? I did not ask you when it
16 was no good.

17 MS. LILBURN: Well, you did. You
18 did not withdraw it.

19 MR. HANS: Withdrawn. I will ask
20 a new question.

21 Q Page 1, you are looking at it
22 right now.

23 A Yes.

24 Q Is there a date on that?

25 A No, there isn't.

1 A.B. Nelson

2 Q Turn the page. That page has
3 something about a deposit on 8/18/17, correct?

4 A Yes.

5 Q There is no date on that either?

6 A You mean there's no number of the
7 page?

8 Q There's no date other than
9 8/18/17.

10 A There is no date when I generated
11 it, is that what you're asking?

12 Q Did I use the word generate?

13 A Not generate, but printed off the
14 computer, whatever.

15 Q The first page has no date. We
16 don't know when this first page was generated,
17 do we?

18 MS. LILBURN: Objection.

19 Q Do we know when this first page
20 was generated, Page 1?

21 A This page in our hand we don't
22 know, but guess what --

23 MS. LILBURN: He asked you a yes
24 or no question.

25 A No.

1 A.B. Nelson

2 Q Do you know when it was
3 generated?

4 A I don't remember.

5 Q When you turn the page, all we do
6 know is on 8/18/17 \$1,050 was deposited in
7 your account?

8 A Yes.

9 Q If you turn the page, there's
10 another statement and the last four Social
11 Security numbers don't match, correct?

12 A Yes.

13 Q There's no date on that, correct?

14 A Obviously any page printed on a
15 computer is not going to have a date. There
16 is no date.

17 Q If you turn to the next page,
18 we're back to the August usage of the card,
19 correct?

20 A Yes.

21 Q Would that be your card?

22 A What do you mean by my card?

23 Q Did you use a debit card for
24 these particular charges?

25 A Of course it's my card.

1 A.B. Nelson

2 Q And the page after that and the
3 page after that, right?

4 A Yes. This is my card.

5 Q How does anyone know that Page 1
6 of Exhibit L and Page 3 of Exhibit L pertain
7 to this time period regarding your card?
8 That's the question. I don't want you to tell
9 me anything else. I want you to tell me how
10 you confirm that Page 1 and Page 3 of this
11 document support or confirm when it was done?

12 A How does this page where I don't
13 have access --

14 Q The two pages where the numbers
15 do not match, both of them you confirm in your
16 testimony, as I know and you know, as anybody
17 else would know, it is undated. The other
18 pages in Exhibit L reference charges that you
19 made on your card in August of 2017. How does
20 anyone know when Page 1 and Page 3 were
21 generated?

22 MS. LILBURN: Objection. Do you
23 want him to authenticate the document.
24 That might be faster.

25 MR. HANS: No. I am not asking

1 A.B. Nelson

2 him to authenticate the document. I can
3 do this easier and I don't know if there
4 are going to be objections. You seem to
5 be saying correct me if I am wrong, but
6 you seem to be submitting Exhibit L as
7 proof of wire fraud.

8 A Yes.

9 Q When you look at Exhibit L and
10 you have the first page where the Social
11 Security numbers don't match, would you agree
12 that it could be a mistake either by you or by
13 Mitsubishi? It could be a mistake?

14 A It could never be a mistake by
15 me. I know what my Social Security number is.

16 Q But it could be a mistake?

17 A No.

18 Q It could be a mistake by
19 Mitsubishi?

20 MS. LILBURN: Objection.

21 A No.

22 Q What you're saying is the Social
23 Security number 2312 is correct?

24 A Yes.

25 Q If it does not match the card on

1 A.B. Nelson

2 record, if you were not working for Mitsubishi
3 at the time, then wouldn't you agree that your
4 number may not be on record?

5 MS. LILBURN: Objection.

6 A I was working at the time. You
7 can look at the dates.

8 Q I am looking at two pieces of
9 paper that do not have dates, Page 1 and Page
10 3.

11 A Here is what I can do for you by
12 Wednesday. I can get -- I can go on the
13 computer. I can go in the search box and type
14 in and I will get the dates that I was on --
15 excuse me. That is what I can do.

16 Q Will you please answer my
17 question. We are talking about what you are
18 going to do. Let me ask you a question and I
19 would like you to give me an answer.

20 According to Exhibit L, there is
21 no evidence on Page 1 or Page 3 that they
22 pertain to anything else in this document; yes
23 or no?

24 A This does not pertain to anything
25 else in the document? I don't know what

1 A.B. Nelson

2 you're saying.

3 Q Page 1 and Page 3, there are no
4 dates on that.

5 A Yes.

6 Q Would you agree that one cannot
7 say that this number does not match as of 8/17
8 because it is undated, would you agree; yes or
9 no? It's obvious. It does not have a date.

10 A Okay.

11 Q What you seem to be saying, and
12 correct me if I am wrong, but you seem to be
13 saying wire fraud is done by the fact that you
14 believe Mitsubishi did not have your card,
15 your debit card on record, which means or does
16 that mean you cannot get any money at all from
17 Mitsubishi?

18 A I did not say they didn't have it
19 on record.

20 Q The document does. It says the
21 Social Security numbers do not match the card
22 on record.

23 A You said was I getting any money
24 at all? I'm going to try to answer that
25 question. Is that what you asked me?

1 A.B. Nelson

2 Q You have to agree that they say
3 the Social Security numbers do not match the
4 card on record.

5 A Right.

6 Q So there is a card on record.
7 The number does not match for some reason.

8 A But I still get money. I just
9 cannot get any information.

10 Q Are you saying the information
11 you could not get was as of 8/17?

12 A As of many times.

13 Q How does that document show this?
14 It doesn't, does it?

15 A Show what?

16 Q Many times.

17 A I have many of them. They don't
18 have dates on them, but I can pull the dates
19 when I make the inquiry on the computer. The
20 computer always saves the dates when you go
21 in.

22 MS. LILBURN: I believe there was
23 a different document that was produced
24 that's very similar to this website
25 printout that has additional pages that

1 A.B. Nelson

2 show the search history. This is the
3 only document that you got.

4 MR. HANS: If I am getting new
5 documents, I want a further deposition
6 after I review them. I know it is not
7 you, but he can't be giving me documents
8 the day of or the day after and expect
9 me to --

10 MS. LILBURN: I asked for these
11 to be printed and it's possible that --

12 MR. HANS: But I don't have a
13 chance to review it.

14 MS. LILBURN: I understand.
15 Maybe we can take a break and you can
16 review it. It's one page.

17 MR. HANS: We don't have time. I
18 have other counsel here. I have a bunch
19 more questions.

20 MS. LILBURN: It will be faster
21 than you asking twenty minutes of
22 questions trying to establish a time and
23 date and I'm trying to give you a
24 document that shows that.

25 MR. HANS: I appreciate that. I

1 A.B. Nelson

2 think you are doing a wonderful job.

3 MS. LILBURN: I am not asking for
4 a comment about my performance.

5 MR. HANS: I know you are not
6 asking, but I'm going to give it.

7 MS. LILBURN: Well, I object to
8 that.

9 MR. HANS: I don't really care.
10 What I'm saying to you is that I'm going
11 to want a further deposition if I am
12 getting documents that I have not gotten
13 on this particular matter. We are going
14 to have to go to the magistrate and say
15 listen, documents are being produced in
16 the deposition that do not conform to
17 the documents given in discovery. This
18 is late in the day. I don't have time
19 to sit with all my clients because some
20 of them are not here. We're just going
21 to have to have a further deposition.

22 MS. LILBURN: You can make that
23 request. We will provide the document
24 and I ask that any document that you are
25 requesting another deposition on the

1 A.B. Nelson

2 basis of be included in that request to
3 the judge.

4 MR. HANS: You're talking about
5 this and the other documents that he is
6 going to find?

7 MS. LILBURN: Yes, any new
8 information that you are using as a
9 basis to request another deposition time
10 should be provided to the judge in your
11 request.

12 MR. HANS: You are going to send
13 me an email as to the items that he is
14 going to produce?

15 MS. LILBURN: Correct.

16 MR. HANS: In that I will include
17 Exhibit L that you now have a different
18 Exhibit L.

19 MS. LILBURN: If you want to ask
20 questions about it, we can make it a new
21 exhibit.

22 MR. HANS: I want to have the new
23 one.

24 MS. LILBURN: I don't want to
25 call it Exhibit L because I don't want

1 A.B. Nelson

2 it to cause any confusion.

3 MR. HANS: You have an exhibit
4 that is similar to Exhibit L that is
5 different than the one that I just
6 introduced?

7 MS. LILBURN: Right.

8 MR. HANS: I am going to need
9 some time to review that with my client.

10 MS. LILBURN: Yes.

11 MS. ORTIZ: Only after you
12 confirm that you have not received it.

13 Off the record.

14 (A discussion was held off the
15 record.)

16 Q How is there identity theft?
17 Does that same document show identity theft?

18 A When you're playing with people's
19 numbers --

20 Q That is not the question I asked.
21 I asked you, what I introduced as Exhibit L,
22 which may be supplemented, so I'm asking you,
23 the way you support identity theft, was it
24 through Exhibit L; yes or no?

25 A Yes.

1 A.B. Nelson

2 Q Internet-based manipulation, was
3 that also Exhibit L?

4 A Yes.

5 Q Have you contacted any of the
6 witnesses that you have listed in your
7 interrogatories within the last three months?

8 A Yes.

9 Q Who have you contacted?

10 A Mia Giller, Erica Zoungrane, Juan
11 Palanco, Germinal Latingua, Freddy. To my
12 recollection, those are the ones.

13 Q Have you spoken to those
14 individuals?

15 A Didn't you just ask me if I spoke
16 to them?

17 Q You contacted them. Did you
18 actually speak to them?

19 A Yes.

20 Q What did you say to them?

21 MS. LILBURN: Objection.

22 Q Did you say anything to them?

23 A Yes. We talked. That's why I
24 called them.

25 Q Tell me what you talked about?

1 A.B. Nelson

2 MS. LILBURN: Objection. With
3 which one?

4 Q With each one.

5 MS. LILBURN: Do you want him to
6 say one at a time?

7 Q One at a time, I do not care how
8 you do it.

9 A I spoke with Juan, you know.

10 Q Let us leave Juan out of it
11 because Juan is suing my client for a wage
12 case, so let's put him on the side. Let us
13 talk about Mia. What did you talk to Mia
14 about?

15 A I told Mia that I submitted stuff
16 and she did not want to -- I don't want to go
17 to court, blah, blah, blah. She got all
18 heated about everything before I could tell
19 her that there is a way to do it. She got all
20 aggravated and that was the end of that
21 conversation.

22 Q What happened with Erica?

23 A Somebody called Erica. I believe
24 maybe you called her because none of the other
25 parties called her that are involved, and, you

1 A.B. Nelson

2 know, you gave my name to some lawyer, blah,
3 blah, blah, whatever. She got all indignant
4 on the phone.

5 Q What about Germinal?

6 A I spoke with him. I really could
7 not speak with him because he had a customer
8 with him. This was about a week or two ago.

9 Q Did you speak to him after he
10 finished with the customer?

11 A No. I am not going to wait for
12 somebody to finish with a customer. I did not
13 speak to him.

14 Q Did you speak to Freddy?

15 A I spoke to Freddy, yes.

16 Q Tell me about that conversation?

17 A I spoke to him about cards and
18 numbers. I also spoke to Akbar Branch. I
19 also spoke to Akbar, who's a friend of mine.
20 I spoke to Akbar and I really wanted to talk
21 to him because he has been with Mitsubishi for
22 eighteen years and he could give me some
23 insight about MDID numbers and different
24 things.

25 Q Did any of these people that you

1 A.B. Nelson

2 spoke to say that they were going to testify
3 on your behalf?

4 A I didn't really ask them to
5 testify. I just spoke about what I just told
6 you I spoke about.

7 Q Did you ever promise any witness
8 that you have listed any money if they
9 testified or helped you with this case?

10 A No, I haven't.

11 Q You understand that you are under
12 oath?

13 A I haven't. If anybody has said
14 that I have, they're lying. I am not stupid.
15 Do you think I'm going to get into a trap like
16 that. I would never tell somebody listen, I
17 will give you ten grand if I make a hundred
18 grand on a case or something like that. I
19 would never do nothing like that.

20 Q In your interrogatory answers,
21 you state that Stephanie Aviles changed
22 appointments. Is it your testimony that Chris
23 Orsaris directed her to do that?

24 A Chris Orsaris harassed me about
25 that. That's another situation as far as

1 A.B. Nelson
2 arguments and whatever. I tried to make three
3 appointments a day. Any good salesman,
4 especially when everything is in a downturn,
5 should be calling customers up and trying to
6 get them in and make appointments. What
7 happened is I don't make appointments for my
8 day off. If the customer says I can come in
9 Thursday, I'm going to tell them is it
10 possible we can make it another day because
11 the appointment I am making is for me and not
12 for the store. Salesmen make appointments for
13 themselves, so she changed appointments. When
14 customers came in, she tried to steal my
15 appointments when they were asking for me.
16 There were a few other things, but that's it
17 as far as the appointments go.

18 Q Is it your testimony that Chris
19 Orsaris directed her to do that?

20 A Well, it's very -- yes. Yes.

21 Q What is your proof of that?

22 A Well, they were an item.

23 Q What is your proof of that? Is
24 it that you believe they are an item?

25 MS. LILBURN: Objection.

1 A.B. Nelson

2 Q What does an item mean?

3 A What does an item mean?

4 Q What does an item mean?

5 A That means if you're working in
6 this law firm and you're going with the girl
7 in the office across from you, then you have a
8 relationship.

9 Q Do you believe that Stephanie
10 Aviles had a relationship with Chris Orsaris?

11 A It's very evident. Most people
12 would know that, yes.

13 Q Do you believe that Chris Orsaris
14 directed Stephanie Aviles to change the
15 appointments?

16 A Do you want to know why I believe
17 that?

18 Q Sure.

19 A One Saturday, at a Saturday
20 morning meeting, after the meeting was over
21 downstairs and they proceeded to go upstairs
22 for the managers meeting, she made this dumb
23 remark he's a manager, so what is he doing
24 selling cars. At her beck and will I'm
25 selling cars so I'm a manager so what am I

1 A.B. Nelson

2 doing selling cars. I don't have a plate and
3 I don't have access to vehicles and I don't
4 get a manager's salary and basically I was
5 demoted so I can bring up the CSI score for
6 the store.

7 Q You state that Chris Orsaris and
8 Victory implemented a scheme where salespeople
9 would end up owing them money. Do you recall
10 having that statement in your interrogatories?

11 A I wasn't finished with the last
12 question. I thought you were talking about --
13 I know what you said, but I thought you were
14 talking about --

15 MS. LILBURN: Answer his question
16 that he has outstanding.

17 THE WITNESS: I'm trying to
18 answer the last one. Is he finished
19 with that?

20 MS. LILBURN: Can you restate the
21 question that is pending.

22 Q Do you have plaintiff's responses
23 to interrogatories?

24 A What page?

25 Q You did not put numbers.

1 A.B. Nelson

2 A Yes. I have it.

3 Q You say Chris Orsaris and Victory
4 Auto Group implemented a scheme where
5 salespeople would end up owing them money.
6 First of all, assuming there was a scheme, it
7 seems to be by your words that this scheme was
8 to many salespeople and not just you?

9 A Yes. There was a program that
10 was in place where they would give us 515 a
11 week as draw, whatever the case may be.
12 Basically, and I saw other people's checks, so
13 all of the -- we are supposed to get 20
14 percent of the front end gross. A lot of
15 times you would get flats. Any place you're
16 going to get what they call flat. If you want
17 to know what a flat is, that's a deal where
18 they didn't make any money, so they call it a
19 mini deal and they throw you 100 bucks.
20 That's a flat. That can be anyplace, but what
21 happened was, as time went on, we didn't have
22 no actual way of knowing that we were getting
23 20 percent, but there were times when we were
24 getting good checks, so we could assume that
25 we were probably getting 20 percent. What

1 A.B. Nelson

2 happened is this. If you sold twenty cars,
3 you got a thousand dollar bonus, but here is
4 the thing. You got 515 a week.

5 Q Mr. Nelson, I'm going to
6 interrupt you for a second only because I may
7 be a few questions from that, but right now I
8 am not interested in the specifics of the
9 scheme. What I'm trying to understand is,
10 according to your words here, this is a scheme
11 that looks like it was applied to all
12 salespeople.

13 A Yes, it was.

14 Q It was not to you individually?

15 A No. It was --

16 Q That's all I want to know.

17 A Okay. Yes.

18 Q Is it your testimony that all
19 salespeople did not make money because they
20 owed money to their employer?

21 A Some did. Some made some money,
22 but a lot of them really did not make any
23 money. If they actually cleared -- let's say
24 they sold twenty cars and they get a bonus of
25 a thousand dollars, but the twenty cars that

1 A.B. Nelson

2 they sold would come out to probably, in most
3 cases would come out to 4,000. Now they would
4 have a lot of flats and then they would have
5 some that were three or 400, so nobody could
6 say you got three or 400 for that car, you
7 know, whatever the case may be, so if you sold
8 twenty cars and they subtracted the 515 --
9 \$2200 from five grand, because they take the
10 draw back, so that's 515, so that's -- I need
11 my calculator. When you subtract -- when you
12 subtract the draw from the five grand, you
13 worked all these hours and all you took home
14 was \$2700 for a month's work, \$2700 for a
15 month's work.

16 MS. LILBURN: You should get back
17 to the question that was asked.

18 MR. HANS: If he wants to keep
19 talking, let him.

20 MS. LILBURN: I'm trying to help
21 you stay focused.

22 A That was the question. You asked
23 how did it work, right? I'm just explaining
24 to you how it worked. Before when we thought
25 to be getting 20 percent, you would have a

1 A.B. Nelson

2 commission of 800 bucks, a commission of 1200
3 bucks. You would get a check for that week
4 because first they paid weekly and then they
5 went to biweekly, so you could get a good
6 check and that is when I had faith. You could
7 get a good check for 1900, \$2200 before taxes.
8 You got a decent check, decent, but that
9 evaporated and then they came out with this
10 plan, this whatever, so that's what I am
11 explaining to you about a scheme, and a lot of
12 people were behind and were owing and some
13 people came out of the owing and some people
14 didn't. Of course I'm doing a million other
15 things because I have to do the CSI scores and
16 stuff.

17 Q Is there anything else you want
18 to add to that?

19 MS. LILBURN: Is there a
20 question? What is the question?

21 MR. HANS: No. I just want to
22 know if he finished answering the
23 question.

24 MS. LILBURN: What is the
25 question?

1 A.B. Nelson

2 Q The question is, are you finished
3 answering the question?

4 MS. LILBURN: What is your
5 question?

6 A Was my answer adequate?

7 MS. LILBURN: What is the
8 question that you're asking?

9 Q What was the scheme?

10 A Was my answer adequate enough?

11 Q I don't answer questions. I ask
12 questions.

13 MS. LILBURN: He asked if you're
14 finished.

15 A Yes, I am done.

16 Q Take a look at Exhibit F. This
17 was the supplemental filing that you filed,
18 correct?

19 A Yes.

20 Q You state there that you were
21 retaliated against in public setting with
22 people around. That was at Sunoco, correct?

23 A That's what it says.

24 Q That is the extent of your claim
25 of retaliation; am I correct?

1 A.B. Nelson

2 A That's just one of the claims.

3 Q What are the other claims of
4 retaliation?

5 A We went over those before,
6 harassment, insulting me in front of
7 customers.

8 Q Insulting you in front of
9 customers and harassment is separate. I'm
10 asking about retaliation. Do you understand
11 what retaliation means?

12 A You explain your version.

13 MS. LILBURN: What do you mean by
14 retaliation?

15 THE WITNESS: Usually when you
16 retaliate against somebody when they do
17 something to you. You retaliate,
18 retaliation.

19 Q I am sorry. I did not hear what
20 you said.

21 A Retaliation is when a person
22 responds, you know, for something you did and
23 you retaliate against that person.

24 Q What was the retaliation other
25 than what you put down on this May 15th

1 A.B. Nelson

2 letter?

3 A Well, okay. Other than what's in
4 this letter retaliating against me?

5 Q That is right.

6 A Taking me off the floor for no
7 reason, arguing with me.

8 Q Taking you off the floor is
9 retaliation for something?

10 Retaliation means doing something
11 to you that's wrong and illegal. That is
12 something that you accused them of. Do you
13 understand that concept?

14 MS. LILBURN: Objection.

15 Q Do you understand the concept?
16 What do you understand retaliation to mean?
17 Forget about what I think.

18 MS. LILBURN: Objection. Asked
19 and answered.

20 A Retaliation is when you go after
21 somebody for something and you retaliate
22 against them. You go after them for something
23 that you might think that they did.

24 Q That's what you did. You put
25 down what you think they came after you for?

1 A.B. Nelson

2 A Yes.

3 Q I would like you to look at the
4 bottom of this exhibit, Exhibit F. We talked
5 about identity theft and wire fraud, but it
6 seems like your words on the bottom there say
7 it's not within this court's jurisdiction.
8 All documents are going to be forwarded to the
9 Federal Trade Commission.

10 A Yes.

11 Q Are you saying that you are not
12 pursuing wire fraud and internet and identity
13 theft and all that in this court?

14 A What happened was this. I guess
15 I will write a letter to find out. I thought,
16 because the complaint is basically based on --
17 the complaint is based on Title 7 things like
18 age discrimination, so forth and so on. I did
19 not see anything in here, so I wasn't sure,
20 even though it's Federal Court, that these
21 charges would work in the same complaint.
22 That's either something I would have to check
23 with NYLAG to see if it is in their
24 jurisdiction because the stuff that is in the
25 District Court complaint, I don't know if that

1 A.B. Nelson

2 falls under because there are no boxes or
3 anything available stating anything to do with
4 wire fraud.

5 Q By the way, have you spoken to
6 Chris Dooney at all?

7 A No, I haven't. I spoke to him a
8 long time ago. I just asked him how he's
9 doing, so forth and so on.

10 Q Have you spoken to him since that
11 time?

12 A His number has changed.

13 Q Do you know how to reach him in
14 any way?

15 A I guess through Sunoco and I
16 don't know. They're probably not going --
17 it's probably going to take a subpoena or a
18 court order to get his information because I
19 don't know how to get in touch with him. The
20 only thing I know, he lived up near
21 Portchester or something. That came up in a
22 conversation once, way before any of this
23 happened.

24 Q The Mia Giller text messages to
25 you, are there any other additional text

1 A.B. Nelson

2 messages than the ones that you provided in
3 discovery to my office?

4 A No. There has not been any
5 others, except the ones that I provided to
6 you.

7 Q Recorded conversations, is the
8 only recorded conversation you have the Mia
9 Giller conversation?

10 A No. There's another conversation
11 which we spoke about earlier on the phone that
12 you want to examine.

13 Q Other than that, are there any
14 other recorded conversations?

15 A No.

16 Q Can you tell us what money you
17 received from October of 2018 to April of 2019
18 from any employer or any source, not an
19 employer, but from any source?

20 MS. LILBURN: Objection.

21 A You want to know if I got any
22 money from where?

23 Q I want to know what money came
24 into your life through any source between
25 October of last year to April of this year?

1 A.B. Nelson

2 MS. LILBURN: Objection.

3 MR. HANS: What is the objection?

4 MS. LILBURN: Vague. I cannot
5 even answer that question.

6 Q Did you receive any money from
7 anybody that you worked for?

8 A Do you mean from Toyota?

9 Q Did you receive any money from
10 anybody?

11 A I worked at Toyota until April.

12 Q Until April of this year?

13 A Yes.

14 Q How much did you receive? Were
15 you working on commission for them?

16 A Yes, I was.

17 Q How much money did you receive
18 while you worked at Toyota?

19 A I don't know, but I did get some
20 very good checks.

21 Q I'm going to ask you --

22 A My last check, if you want to
23 know, I can send it to you. My last check for
24 two weeks was 80 bucks short of five grand
25 before taxes.

1 A.B. Nelson

2 Q Can you tell me, when you look at
3 Number 17, your calculation of damages --

4 MS. LILBURN: Exhibit F?

5 MR. HANS: The May 25th letter.

6 MS. LILBURN: Can I just clarify.

7 Are these supplements to the
8 interrogatory responses?

9 MR. HANS: No. I do not know
10 what they are. They were just sent to
11 me by your client.

12 MS. LILBURN: I think I figured
13 out that that's what they are.

14 THE WITNESS: I believe you asked
15 me for stuff that was missing, so the
16 numbers that you see here --

17 MR. HANS: They correspond to the
18 interrogatories.

19 THE WITNESS: They correspond to
20 the stuff that you complained was not
21 answered, so we answered the best way we
22 could.

23 Q Number 17 in the demand,
24 interrogatory demand states state the amount
25 of damages you claim for each cause of action.

1 A.B. Nelson

2 You put down, 17B, you put down different
3 employment term, \$250,000. How did you arrive
4 at \$250,000?

5 A Which one now?

6 Q Go to the second page.

7 A Different employment term.

8 Q How did you get to 250,000?

9 A I don't know. That might have
10 been a typo.

11 Q What is the correct number?

12 A I don't know what the correct
13 number is. I don't know what that number
14 should respond to. I don't understand your
15 question.

16 Q The way this works is that you
17 are claiming damages in this case and you
18 first asked for \$2 million.

19 A Exactly.

20 Q I asked you, and I believe Judge
21 Aaron told you that you should break it down
22 as to how you arrived at that figure. I have
23 done that in the interrogatory. When I said I
24 did not have a response to that, you sent me
25 this letter of May 15th, and in this letter it

1 A.B. Nelson

2 says different employment term, \$250,000. You
3 said you were working for Toyota and you made
4 good money, but now you have 250,000, so I'm
5 asking you what is the basis of you
6 formulating that number? If it is incorrect,
7 I will accept that answer.

8 A It was incorrect and we sent you
9 a new document.

10 Q I don't have a new document.

11 A The New York LAG. I went and put
12 the proper document together because what I
13 sent you --

14 Q I don't have a new document after
15 that.

16 A I will send it to you.

17 MS. LILBURN: It is something
18 subsequent to this letter?

19 THE WITNESS: Yes.

20 MR. HANS: Counsel, you know
21 where I am going with this. If I'm
22 going to get clarification and
23 corrections of discovery documents, I
24 want to depose this party on that
25 document. It will just be added on the